

Don

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Daniel G. Pennington, Chairman
Robert C. Frazee, Vice Chairman
Wesley Chesbro, Member
Janet Gotch, Member
Steven R. Jones, Member
Paul Relis, Member

REGULAR MONTHLY BUSINESS MEETING

Tuesday, March 25, 1997
9:30 a.m.

Wednesday, March 26, 1997
9:30 a.m.

Board Room
8800 Cal Center Drive
Sacramento, CA 95826

AGENDA

Note:

- *Agenda items may be taken out of order.*
- *Persons interested in addressing the Board must fill out a speaker request form and present it to the Board's Administrative Assistant on the date of the meeting.*
- *If written comments are submitted, please provide 20 two-sided copies.*
- *Public testimony may be limited to five minutes per person.*
- *Any information included with this agenda is disseminated as a public service only, and is intended to reduce the volume and costs of separate mailings. This information does not necessarily reflect the opinions, views, or policies of the CIWMB.*
- *To request special accommodations for those persons with disabilities, please contact the Board's Administrative Assistant at (916) 255-2156.*

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is first considered.

To comply with legal requirements, this Notice and Agenda may be published and mailed prior to a Committee Meeting where determinations are made regarding which items go to the Board for action. Some of the items listed below, therefore, may, upon recommendation of a Committee, be pulled from consideration by the full Board. To verify if an item will be heard, please call Patti Bertram at (916) 255-2156.

THE FOLLOWING WILL BE HEARD ON TUESDAY, MARCH 25, 1997, AT 9:30 A.M.:

1. CONSIDERATION OF THE GOAL ELEMENT OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S (BOARD) 1997 STRATEGIC PLAN.
2. CONSIDERATION OF CONSENT AGENDA FOR 50% ITEMS

ADMINISTRATION COMMITTEE

3. CONSIDERATION OF OPTIONS FOR ENHANCING THE INTEGRATED WASTE MANAGEMENT TIPPING FEE INCLUDING FEE INCREASES AND COLLECTION OF THE FEE FROM NEW SOURCES (50% INITIATIVE STRATEGIES NO. 4, 5, AND 6) - deleted 5-0
4. CONSIDERATION OF POSSIBLE IMPROVEMENTS TO THE GRANT APPLICATION PROCEDURES TO ENHANCE THE BOARD'S ABILITY TO ACCESS OUTSIDE GRANT FUNDS (50% INITIATIVE STRATEGY NO. 7)
5. CONSIDERATION OF FOCUSING THE BOARD'S TIRE LOAN AND GRANT PROGRAMS TO MAKE DIVERSION POTENTIAL THE HIGHEST PRIORITY EXPANDING RECYCLING OF SPECIFIC MATERIALS/PRODUCTS (50% INITIATIVE STRATEGY NO. 8)
6. CONSIDERATION OF INCREASING EQUIPMENT BUYING POWER FOR LOCAL GOVERNMENTS THROUGH USE OF STATEWIDE CONTRACTS (50% INITIATIVE STRATEGY NO. 18)
7. CONSIDERATION OF THE LEGAL ISSUES RELATED TO A PROPOSED APPROACH TO PROVIDE BOARD STAFF ASSISTANCE TO CITIES/COUNTIES IN ORDER TO ACHIEVE THE 50% DIVERSION MANDATE (50% INITIATIVE STRATEGY NO. 32)

LEGISLATION AND PUBLIC EDUCATION COMMITTEE

8. CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #21: ESTABLISH INTERNET CHAT ROOM (ORAL PRESENTATION)
9. CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #19 AND #20: INCREASE BOARD'S PRESENCE AT FAIRS, CONFERENCES, OTHER PUBLIC EVENTS ESPECIALLY IN SOUTHERN CALIFORNIA
10. CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #22: DEVELOP NEW PUBLIC EDUCATION CAMPAIGNS AND INCREASE THE NUMBER OF TARGETED AREAS

LOCAL ASSISTANCE AND PLANNING COMMITTEE

11. CONSIDERATION OF THE GETTING TO 50% INITIATIVE CONCEPTS ASSIGNED TO THE LOCAL ASSISTANCE AND PLANNING COMMITTEE:

- (A.) STRATEGY #17: PROVIDE MODELS FOR EFFECTIVE DIVERSION AND PROGRAM COMPARISON
- B 50 STRATEGY #23: CONTINUE TO FOCUS ON DIVERSION PROGRAMS IMPLEMENTED, NOT JUST ACHIEVEMENT OF NUMERICAL GOALS
- C 50 STRATEGY #25: MEASURE NUMERICAL GOAL ACHIEVEMENT BY COUNTY, REGION, OR STATE, NOT BY INDIVIDUAL CITY OR UNINCORPORATED COUNTY
- D 50 STRATEGY #26: DEVELOP SOLUTIONS TO PROBLEMS WITH MEASURING GOAL ACHIEVEMENT
- E 50 STRATEGY #27: COORDINATE BOARD TECHNICAL ASSISTANCE TO SPECIFIC CITY/COUNTY AND CONTINUE SHIFT FROM PLANNING TO DIVERSION PROGRAM IMPLEMENTATION ASSISTANCE
- (F.) STRATEGY #28: PROVIDE CITIES/COUNTIES IMPLEMENTATION TOOLS SUCH AS CASE STUDIES/MODELS
- (G.) STRATEGY #29: FACILITATE PARTNERSHIPS BETWEEN BOARD, CITIES, COUNTIES, AND PRIVATE ENTITIES TO TAKE ADVANTAGE OF ECONOMIES OF SCALE IN ACHIEVING 50% DIVERSION GOAL

MARKET DEVELOPMENT COMMITTEE

12. CONSIDERATION OF 50% INITIATIVE STRATEGIES RELATED TO MARKET DEVELOPMENT: 77

- (A.) STRATEGY #8: REFOCUS THE RMDZ LOAN PROGRAM TO MAKE DIVERSION POTENTIAL THE HIGHEST PRIORITY
- B 4-1 check 100 STRATEGY #10: PROVIDE TAX CREDITS FOR THE PURCHASE OF RECYCLED MATERIALS AS FEEDSTOCK OR THE PURCHASE OF RECYCLING EQUIPMENT
- (C.) STRATEGY #33: INCREASE OUTREACH INTO BUSINESS COMMUNITY TO INCREASE PRIORITY MATERIAL RECYCLING AND BUY RECYCLED
- (D.) STRATEGY #34: INCREASE GREEN WASTE DIVERSION
- (E.) STRATEGY #35: INCREASE AWARENESS AND INFORMATION ABOUT SUPPLY, LOCATION, AND FLOW OF MATERIALS
- (F.) STRATEGY #36: DEVELOP MARKETS AND PROMOTE REUSE OF CONSTRUCTION AND DEMOLITION MATERIALS

PERMITTING AND ENFORCEMENT COMMITTEE

13. 50% CONSIDERATION OF STRATEGIES RELATIVE TO PROVIDING ADDITIONAL TRAINING ON ORGANIC MATERIAL RECYCLING (50% INITIATIVE STRATEGY NO. 42) 82

14. 40% CONSIDERATION OF STRATEGIES RELATIVE TO ENCOURAGING DIVERSION ACTIVITIES AND FACILITIES AT LANDFILLS (50% INITIATIVE STRATEGY NO. 43 AND STRATEGY NO. 44)

Jones absent

(Oral Presentation)

POLICY, RESEARCH AND TECHNICAL ASSISTANCE COMMITTEE

15. CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #38: BAN GREEN WASTE FROM LANDFILL DISPOSAL FOR CITIES/COUNTIES NOT MEETING 25% AND/OR 50% 84

C

16. ⁵⁰ CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #41: IMPLEMENT TRANSPORT PACKAGING INITIATIVE

17. ⁶⁰ CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #40: EXPAND RESOURCE EFFICIENCY PROMOTION TO BUSINESS AND INDUSTRY

18. ^C CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #14 AND STRATEGY #15: REQUIRE CHARGING OR DISCLOSING TRUE COSTS OF DISPOSAL

109

19. ⁵⁰ ^C CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #12, STRATEGY #13, AND STRATEGY #39: PROMOTE OR REQUIRE UNIT PRICING FOR CITIES AND COUNTIES

117

20. CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #3, STRATEGY #16, AND STRATEGY #24:

131

^C A. STRATEGY #3: EXEMPT RURAL JURISDICTIONS FROM DIVERSION PLANNING AND GOALS

^C B. STRATEGY #16: ALLOW SALES OF DIVERSION ABOVE MANDATED GOALS

^C C. STRATEGY #24: ALLOW TRANSFORMATION TO COUNT FOR MORE THAN 10% DIVERSION FOR 50% DIVERSION GOAL

21. ^C CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #11: PROVIDE A STUDY WHICH WILL IDENTIFY POTENTIAL ADDITIONAL SOURCES OF FUNDING FOR DIVERSION PROGRAMS OF LOCAL JURISDICTIONS

153

THE FOLLOWING WILL BE HEARD ON WEDNESDAY, MARCH 26, 1997, AT 9:30 A.M.:

22. REPORTS OF THE BOARD'S COMMITTEES

23. REPORT FROM THE EXECUTIVE DIRECTOR

24. CONSIDERATION OF CONSENT AGENDA ITEMS

*waivers
ash - CDFA
RRC
info hearing on form 7/31
budget hearings
SRRE enforcement*

LEGISLATION AND PUBLIC EDUCATION COMMITTEE

pull?

25. UPDATE ON STATE LEGISLATION

157

LOCAL ASSISTANCE AND PLANNING COMMITTEE

^C 26. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE HOUSEHOLD HAZARDOUS WASTE ELEMENT FOR THE CITY OF WASCO, KERN COUNTY

- C
27. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF MADERA, MADERA COUNTY
 28. CONSIDERATION OF STAFF RECOMMENDATION ON THE TWO-YEAR TIME EXTENSION FOR MEETING THE DIVERSION REQUIREMENTS OF THE INTEGRATED WASTE MANAGEMENT ACT OF 1989 FOR THE CITY OF GONZALES, MONTEREY COUNTY
 29. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SITING ELEMENT AND SUMMARY PLAN FOR SAN JOAQUIN COUNTY
 30. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE COUNTYWIDE SITING ELEMENT AND SUMMARY PLAN FOR SANTA CRUZ COUNTY
 31. CONSIDERATION OF THE SCORING CRITERIA AND EVALUATION PROCESS FOR THE 1997/98 LOCAL GOVERNMENT USED OIL OPPORTUNITY GRANT
 32. CONSIDERATION OF THE MEASUREMENT ACCURACY ISSUES WORKING GROUP'S RECOMMENDATIONS FOR CORRECTING BASE-YEAR AND/OR REPORTING YEAR INACCURACIES Pat S., Sheri S-M Jack Michael

186

196

204

MARKET DEVELOPMENT COMMITTEE

- C
33. CONSIDERATION OF THE REDESIGNATION OF THE SONOMA/MENDOCINO RECYCLING MARKET DEVELOPMENT ZONE TO INCLUDE THE COUNTY OF LAKE
 34. CONSIDERATION OF APPROVAL OF RECYCLING MARKET DEVELOPMENT ZONE PROGRAM LOAN APPLICATIONS FOR THE SPRING QUARTER, 1997:
 - A. SALVADOR PLASCENCIA, DBA M. MAINTENANCE CONSTRUCTION CLEAN UP
 - B. JOHN R. COOPER DBA INDUSTRIAL TIRE SERVICE
 - C. COAST CONVERTERS, INC.
 35. CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS FOR RECYCLED CONTENT NEWSPRINT QUALITY STANDARDS, 14 CCR, SECTION 17964
 36. CONSIDERATION OF CHANGES TO THE RECYCLING MARKET DEVELOPMENT ZONE (RMDZ) LOAN PROGRAM PURSUANT TO THE LOAN PROGRAM WORKSHOP DISCUSSIONS HELD FEBRUARY 5, 1997

240

246

PERMITTING AND ENFORCEMENT COMMITTEE

- C
37. CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE TULARE COUNTY RECYCLING COMPLEX, TULARE COUNTY
 38. CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR WEST MIRAMAR SANITARY LANDFILL, SAN DIEGO COUNTY

265

278

pulled
pulled

39. CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR
5-1 MESQUITE REGIONAL LANDFILL, IMPERIAL COUNTY 293
Chestnut
40. CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE
C COACHELLA TRANSFER/RECYCLING STATION, RIVERSIDE COUNTY 329
41. CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR
5-1 THE HEALDSBURG TRANSFER STATION, SONOMA COUNTY 342
Perm. abt.
42. CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR
C THE CUMMINGS ROAD LANDFILL, HUMBOLDT COUNTY 356
43. CONSIDERATION OF A NEW MAJOR WASTE TIRE FACILITY PERMIT FOR
6-1 MODESTO ENERGY LIMITED PARTNERSHIP (MELP), STANISLAUS COUNTY
defer to 5-1
issue 5-1
(Item available closer to meeting date)
44. CONSIDERATION OF THE STATUS OF THE MAJOR WASTE TIRE FACILITY
pulled PERMIT (50-TI-0010) FOR OXFORD TIRE RECYCLING, STANISLAUS
COUNTY (ORAL PRESENTATION)
45. CONSIDERATION OF SITE(S) FOR REMEDIATION UNDER THE WASTE
C TIRE STABILIZATION AND ABATEMENT PROGRAM 370
46. CONSIDERATION OF CERTIFICATION OF THE SHASTA DEPARTMENT OF
C RESOURCE MANAGEMENT, DIVISION OF ENVIRONMENTAL HEALTH AS THE
LOCAL ENFORCEMENT AGENCY FOR SHASTA AND TRINITY COUNTIES 378
47. CONSIDERATION OF DESIGNATION APPROVAL AND CERTIFICATION OF
C THE SANTA BARBARA COUNTY ENVIRONMENTAL HEALTH SERVICES
DIVISION, HEALTH CARE SERVICES DEPARTMENT AS THE LOCAL
ENFORCEMENT AGENCY FOR SANTA BARBARA COUNTY 383
48. CONSIDERATION TO REVISE THE DESIGNATION APPROVAL AND
CERTIFICATION OF THE INYO COUNTY DEPARTMENT OF ENVIRONMENTAL
HEALTH SERVICES AS THE LOCAL ENFORCEMENT AGENCY FOR INYO
COUNTY TO A PROBATIONARY STATUS Bob Kennedy, Director 388
49. CONSIDERATION OF AN UPDATE TO THE SCHEDULE FOR PLACEMENT OF
OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT
OF MINIMUM STANDARDS 399
50. STATUS OF THE DEPARTMENT OF FOOD AND AGRICULTURE REVIEW OF
pulled NONHAZARDOUS ASH LAND APPLICATION ISSUES; CONSIDERATION OF
STAFF RECOMMENDATIONS FOR REVISIONS TO THE PROPOSED
REGULATIONS FOR NONHAZARDOUS ASH OPERATIONS AND FACILITIES;
AND, APPROVAL TO NOTICE A 15-DAY COMMENT PERIOD FOR THOSE
REVISIONS (ORAL PRESENTATION)

OTHER

51. OPEN DISCUSSION
52. ADJOURNMENT

Notice: The Board may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126 (s) and (q), respectively.

For further information or copies of agenda items, please contact:

INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Patti Bertram, Administrative Assistant
(916) 255-2563

Healdsburg -
What did staff see in ~~with respect to~~ ?

opening remarks -
had not completed rev. of STIP
since completed, and now rec. concurred

done
revised resolution
Inyo - Tom follow up with Kathryn re clarity of
what the trigger event would be for us to be EA.

done
MELP permit to Kathryn ASAP (early pm) before Ralph

NOTE: BOARD AND COMMITTEE AGENDAS ARE AVAILABLE ON THE INTERNET.
THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S HOME PAGE IS
AS FOLLOWS: [HTTP://WWW.CIWMB.CA.GOV/](http://www.ciwmb.ca.gov/)

**Committee Recommendations Forwarded to the Board for the
50% Initiative Agenda Items, March 25, 1997 Board Meeting**

| Concepts | Board Item | Committee Recommendation / Board Meeting | Committee Assignments |
|--|---|--|--|
| 3. Exempt rural cities and counties from IWM diversion planning and goals. | Agenda Item 20 | Board should not pursue this concept further. <i>On Consent; No further action required.</i> | Policy Committee |
| 4. Raise IWM Fee rate to \$1.40 to increase funding for diversion programs. | Agenda Item 3 | Forwarded to the full Board without a Committee Recommendation. <i>Staff presentation needed.</i> | Administration Committee |
| 5. Impose IWM Fee at MRFs/Transfer stations for disposal outside California. | Agenda Item 3 | Forwarded to the full Board without a Committee Recommendation. <i>Staff presentation needed.</i> | Administration Committee |
| 6. Greatly increase IWM Fee and provide break for cities/counties that meet or exceed diversion goals. | Agenda Item 3 | Forwarded to the full Board without a Committee Recommendation. <i>Staff presentation needed.</i> | Administration Committee |
| 7. Improve grant application procedures to improve Board's ability to access outside grant funds. | Agenda Item 4 | Inform Board staff, with a formal document, of the Board's federal grant process. Contact other state agencies with successful grant application programs to enhance our efforts. Determine whether the Board can take advantage of private sector grants. <i>No staff presentation needed.</i> | Administration Committee |
| 8. Refocus Board's grant and loan programs to make diversion potential highest priority. Provide grants to expand recycling of specific materials/ products. | Agenda Item 5 Agenda Item 12 (A) | Tire portion deferred to the April Board Meeting. <i>No staff presentation needed.</i> Board directs staff to refocus the RMDZ loan program outreach and marketing efforts to make diversion potential the highest priority. <i>No staff presentation needed.</i> | Tires - Administration Committee RMDZ - Markets Committee |

| Concepts | Board Item | Committee Recommendation / Board Meeting | Committee Assignments |
|---|--------------------|---|---|
| 9. Leverage Board diversion efforts by starting joint initiatives with other states, interest groups and business associations. | Not Applicable | Not Applicable. | None required - incorporate in appropriate agenda items |
| 10. Provide tax credits for purchase of recycled materials as feedstock or the purchase of recycling equipment. | Agenda Item 12 (B) | Board should not pursue this concept further. <i>Staff presentation needed.</i> | Markets Committee |
| 11. Perform a study to help cities and counties find a way to fund programs. | Agenda Item 21 | Board should not pursue this concept further. <i>On Consent; No further action required.</i> | Policy Committee |
| 12. More actively promote unit pricing among cities and counties. | Agenda Item 19 | Board should more actively promote unit pricing among cities and counties. <i>Staff presentation needed.</i> | Policy Committee |
| 13. Require cities/counties to implement unit pricing structures that provide incentive for waste diversion. | Agenda Item 19 | Board should not pursue this concept further. <i>On Consent; No further action required.</i> | Policy Committee |
| 14. Require all landfills to charge true, unsubsidized cost of landfill disposal. | Agenda Item 18 | Board should not pursue this concept further. <i>On Consent; No further action required.</i> | Policy Committee |
| 15. Require all landfills to disclose true, unsubsidized cost of landfill disposal. | Agenda Item 18 | Board should not pursue this concept further. <i>On Consent; No further action required.</i> | Policy Committee |
| 16. Allow cities/counties that divert waste above mandated goal to sell excess diversion to other cities/counties. | Agenda Item 20 | Board should not pursue this concept further. <i>On Consent; No further action required.</i> | Policy Committee |

| Concepts | Board Item | Committee Recommendation / Board Meeting | Committee Assignments |
|--|--------------------|--|---|
| 17. Provide models for effective diversion and program comparison. | Agenda Item 11 (A) | <p>Board directs staff to provide models for effective diversion and program comparison and develop a strategy for targeting and delivering these models to the local jurisdictions who need them.</p> <p>Additional Motion related to Planning Committee Concepts:</p> <p>Board directs staff to develop a Local Assistance Plan for the May, 1997 Local Assistance and Planning Committee Meeting.</p> <p><i>No staff presentation needed.</i></p> | Planning Committee |
| 18. Leverage greater buying power through state contracts for local governments. | Agenda Item 6 | <p>Board directs staff to prepare an Infocycling article to inform Source Reduction and Recycling Coordinators to contact their local procurement officers regarding purchasing needs and existing Department of General Services statewide purchasing contracts.</p> <p><i>No staff presentation needed.</i></p> | Administration Committee |
| 19. Increase awareness of 50% goals by increasing Board's presence at fairs, conferences, and other public events. | Agenda Item 9 | <p>Board directs Office of Public Affairs and Diversion, Planning and Local Assistance Division staff to meet with Members Gotch and Chesbro's offices to "brainstorm" ideas, and to report back to the committee in May with specific public education/outreach strategies regarding both outreach and public education campaigns.</p> <p><i>No staff presentation needed.</i></p> | Legislation & Public Education Committee |
| 20. Dedicate more time and effort for public outreach in Southern California. | Agenda Item 9 | See recommendation 19. | Legislation & Public Education Committee |
| 21. Establish a "chat room" on Internet site to exchange information between Board staff, customers and/or other businesses. | Agenda Item 8 | <p>Direct staff to develop a list-server in place of a chat room.</p> <p><i>No staff presentation needed.</i></p> | None required - staff to begin implementation |
| 22. Develop new public education campaigns and increase number of targeted areas. | Agenda Item 10 | See recommendation 19. | Legislation & Public Education Committee |

| Concepts | Board Item | Committee Recommendation / Board Meeting | Committee Assignments |
|---|--------------------|---|-----------------------|
| 23. Continue to focus on diversion programs implemented not just achievement of numerical goals. | Agenda Item 11 (B) | <p>Board directs staff to develop means to educate people about existing statute and Board policies regarding diversion program implementation and goal measurement.</p> <p>Additional Motion related to Planning Committee Concepts:</p> <p>Board directs staff to develop a Local Assistance Plan for the May, 1997 Local Assistance and Planning Committee Meeting.</p> <p><i>Staff presentation needed.</i></p> | Planning Committee |
| 24. Allow transformation to count for more than 10% diversion for 50% diversion goal. | Agenda Item 20 | <p>Board should not pursue this concept further at this time as the topic is addressed in a bill that the Board will be considering.</p> <p><i>On Consent; No further action required.</i></p> | Policy Committee |
| 25. Measure numerical goal achievement by county, region or state not by individual city or unincorporated county . | Agenda Item 11 (C) | <p>Board directs staff to:</p> <ol style="list-style-type: none"> 1) provide information and education about regions and their usefulness to local jurisdictions; and 2) explore alternative methods of measuring regional waste streams in rural jurisdictions. <p>Additional Motion related to Planning Committee Concepts:</p> <p>Board directs staff to develop a Local Assistance Plan for the May, 1997 Local Assistance and Planning Committee Meeting.</p> <p><i>Staff presentation needed.</i></p> | Planning Committee |
| 26. Develop solutions to problems with measuring goal achievement. | Agenda Item 11 (D) | <p>Board directs staff to prepare a report on problems with measuring goal achievement related to disaster waste and methods to identify orphan diverted wastes at MRFs.</p> <p>Additional Motion related to Planning Committee Concepts:</p> <p>Board directs staff to develop a Local Assistance Plan for the May, 1997 Local Assistance and Planning Committee Meeting.</p> <p><i>Staff presentation needed.</i></p> | Planning Committee |

| Concepts | Board Item | Committee Recommendation / Board Meeting | Committee Assignments |
|---|-------------------|---|-----------------------|
| 27. Coordinate Board technical assistance to specific city/county. Continue shift from planning to diversion program implementation assistance. | Agenda Item 11(E) | <p>Board directs staff to:</p> <ol style="list-style-type: none"> 1) expand use of current informal practice of interdivisional teams working with individual cities, counties or regions on program implementation issues; and 2) pursue Board-sponsored legislation to streamline planning document preparation and reporting. <p>Additional Motion related to Planning Committee Concepts:</p> <p>Board directs staff to develop a Local Assistance Plan for the May, 1997 Local Assistance and Planning Committee Meeting.</p> <p><i>Staff presentation needed.</i></p> | Planning Committee |
| 28. Provide cities/ counties implementation tools such as case studies/models. | Agenda Item 11(F) | <p>Board directs staff to:</p> <ol style="list-style-type: none"> 1) work with cities and counties to determine most useful or needed tools; and 2) develop a strategy for targeting and delivering these implementation tools to the local jurisdictions who need them. <p>Additional Motion related to Planning Committee Concepts:</p> <p>Board directs staff to develop a Local Assistance Plan for the May, 1997 Local Assistance and Planning Committee Meeting.</p> <p><i>No staff presentation needed.</i></p> | Planning Committee |
| 29. Facilitate partnerships between Board, cities, counties, and private entities to take advantage of economies of scale in achieving 50% diversion. | Agenda Item 11(G) | <p>Board directs staff to:</p> <ol style="list-style-type: none"> 1) coordinate efforts to identify potential partnerships within their program areas; and 2) provide cities and counties additional encouragement and guidance in developing regional agreements. <p>Additional Motion related to Planning Committee Concepts:</p> <p>Board directs staff to develop a Local Assistance Plan for the May, 1997 Local Assistance and Planning Committee Meeting.</p> <p><i>No staff presentation needed.</i></p> | Planning Committee |

| Concepts | Board Item | Committee Recommendation / Board Meeting | Committee Assignments |
|--|--------------------|---|---|
| 30. Provide opportunities for communication and networking both within Board and between Board, cities, counties and businesses. | Not Applicable | Not Applicable. | None required - incorporate in appropriate agenda items |
| 31. Provide training programs for Board staff, cities, counties and other Board partners to promote disposal reduction implementation. | Not Applicable | Not Applicable. | None required - Executive staff to begin implementation |
| 32. Increase Board staff presence/assistance in cities and counties. | Agenda Item 7 | Board should not pursue this concept further. <i>On Consent; No further action required.</i> | Administration Committee |
| 33. Increase outreach into business community to increase priority material recycling and Buy Recycled. | Agenda Item 12 (C) | Board directs staff to increase outreach into business community to increase priority material recycling and Buy Recycled. <i>No staff presentation needed.</i> | Markets Committee |
| 34. Increase green waste diversion. | Agenda Item 12 (D) | Board directs staff to increase green waste diversion. <i>No staff presentation needed.</i> | Markets Committee |
| 35. Increase awareness and information about supply, location, and flow of materials. | Agenda Item 12 (E) | Board directs staff to increase awareness and information about supply, location and flow of materials with focus on secondary paper and compostables. <i>No staff presentation needed.</i> | Markets Committee |
| 36. Develop markets and promote reuse of construction and demolition materials. | Agenda Item 12 (F) | Board directs staff to develop markets and promote reuse of construction and demolition (C & D) materials. Board directs staff to assist in development of markets in Pacific Rim Countries. <i>No staff presentation needed.</i> | Markets Committee |

| Concepts | Board Item | Committee Recommendation / Board Meeting | Committee Assignments |
|--|----------------|--|--|
| 37. Expand outreach and technical assistance of RMDZ Zone and Loan Program. | Not Applicable | Board directed staff to incorporate the following suggestions in the February 5, 1997 workshop: 1) identification of opportunities for working in cooperation with traditional private lenders to make recycling business loans more attractive to private lenders; and 2) identification of options for targeting viable businesses. | None required - staff to begin implementation and report back to Markets Committee |
| 38. Ban green waste from landfill disposal for cities/counties not meeting 25% and/or 50%. | Agenda Item 15 | Board should not pursue this concept further. <i>On Consent; No further action required.</i> | Policy Committee |
| 39. Require unit pricing for cities and counties not meeting 25% and/or 50%. | Agenda Item 19 | Board should not pursue this concept further. <i>On Consent; No further action required.</i> | Policy Committee |
| 40. Expand resource efficiency promotion to business and industry. | Agenda Item 17 | Committee directed staff to develop additional information on the number of tons expected to result from resource efficiency prior to the Board Meeting. Board directs staff to pursue resource efficiency promotion to business and industry by: 1) expanding documentation of business sectors where resource efficiency has been successfully applied; 2) incorporating resource efficiency into existing outreach materials; and 3) developing a strategy to effectively publicize resource efficiency to other business. <i>Staff presentation needed.</i> | Policy Committee |
| 41. Implement Transport Packaging Initiative. | Agenda Item 16 | Board directs staff to facilitate an open meeting off all interested stakeholders to: 1) identify effective approaches for improving shipping and distribution efficiency which will result in less packaging going to landfills; 2) identify methods for educating those who utilize shipping and distribution systems; 3) identify next steps, including suggestions for how the CIWMB can facilitate an ongoing process with stakeholders; and 4) report back to the Policy Research and Technology Committee with findings and recommendations. <i>Staff presentation needed.</i> | Policy Committee |
| 42. Conduct additional workshops and training on organic material recycling. | Agenda Item 13 | Oral report to Committee. Item going to the full Board. <i>Staff presentation needed.</i> | P & E Committee |

| Concepts | Board Item | Committee Recommendation / Board Meeting | Committee Assignments |
|--|----------------|--|-----------------------|
| 43. Provide fact sheet or guidance document on diversion activities at disposal facilities. | Agenda Item 14 | Oral report to Committee. Item going to the full Board. <i>Staff presentation needed</i> | P & E Committee |
| 44. Provide guidance to encourage operation of diversion facilities on landfills and disposal sites. | Agenda Item 14 | Oral report to Committee. Item going to the full Board. <i>Staff presentation needed.</i> | P & E Committee |

LOCAL PLANNING DOCUMENTS:

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY, BOARD AGENDA ITEMS 26, 27, 29, AND 30 ARE NOT INCLUDED IN THIS PACKET.

TO OBTAIN COPIES OF THE ABOVE ITEMS, PLEASE REFER TO THE MARCH 17, 1997 LOCAL ASSISTANCE AND PLANNING COMMITTEE (LAPC) PACKET ITEMS 4, 5, 7, & 8, AND RENUMBER THOSE ITEMS TO BECOME BOARD AGENDA ITEMS 26, 27, 29, AND 30.

IF YOU ARE NOT ON THE LAPC PACKET MAIL LIST, PLEASE CONTACT PATTI BERTRAM, (916) 255-2156, FOR COPIES OF THE LOCAL ASSISTANCE AND PLANNING COMMITTEE ITEMS.

California Integrated Waste Management Board

Board Meeting
March 25 & 26, 1997

AGENDA ITEM 1

ITEM: CONSIDERATION OF THE GOAL ELEMENT OF THE CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD'S (BOARD) 1997
STRATEGIC PLAN

I. Summary

Strategic planning is one of the keys to the success of an organization's efforts to improve the efficiency and effectiveness of its programs and operations. The Board recognizes that development of a strategic plan is critical in meeting internal needs in the areas of long term planning, identifying and committing to key strategic goals and objectives, providing clear policy direction, and having a clear vision of the role of the Board in the future. These needs were clearly identified by staff during the Program Integration Plan (PIP) sessions conducted throughout the Board in recent months. These sessions are a part of an ongoing internal and external assessment of key factors that influence the Board's success in achieving its mission and goals.

Additionally, Governor Pete Wilson, through the Department of Finance (DOF), is requiring all state agencies, boards and departments to submit a strategic plan to the Governor's Office by July 1, 1997. In order to meet this requirement, the Secretary of the California Environmental Protection Agency (Cal/EPA) has asked that the Board's plan be submitted to his office by April 15, 1997.

This item presents draft Goals for consideration by the Board. When finalized by the Board, these key strategic Goals will form the basis for identifying Objectives, supporting Strategies, and Performance Measures. The Objectives, Strategies and Performance Measures will be brought before the Board for consideration in April 1997. Board staff will also be developing Action Plans for each Objective, and a Monitoring and Evaluation Plan, which will

be brought before the Board as information items in the summer. The Board's 1997 Strategic Plan will pull all of the recent planning and assessment efforts into one process, ensuring that all needs and program areas are considered in a comprehensive manner.

II. Previous Committee Action

None. This item is being brought directly to the full Board.

III. Previous Board Action

In January 1993, the Board approved a strategic plan, "The Strategic Plan of the California Integrated Waste Management Board," and submitted it to the Governor's Office.

In February 1997, the Board approved a Vision Statement, a Mission Statement, and Values for inclusion in the Board's 1997 Strategic Plan (see Attachment A).

IV. Background

A. Process to Develop the Strategic Plan

The current strategic planning effort is being led by a Strategic Planning Project Core Team. The team consists of the Assistant Director, Executive Office, with the assistance of the supervisor of the Policy and Analysis Office and the Board's Quality Improvement Coordinator. The Core Team developed a collaborative process for drafting all of the elements of the 1997 Plan to ensure that the Plan is developed in a timely and effective manner.

The draft goals being presented for consideration by the Board today were developed by a larger Strategic Planning Team composed of the Core Team along with representatives of the Executive Staff and Advisors from three Board Member offices. Following adoption of Goals today, development of Objectives, Performance Measures, Action Plans and a Monitoring and Evaluation Plan will occur through Division level workgroups, led by Division Deputy Directors and facilitated by members of the Core Team. The Objectives, Strategies and Performance Measures are planned to come

before the Board in April 1997, with information items on the Action Plans and Monitoring and Evaluation Plans scheduled for the summer.

The Core Team will also be working with all the Offices and Divisions to ensure that all of the Board's internal and external assessment initiatives, and all program plans, are integrated into the 1997 Plan. In this way, the Board's 1997 Strategic Plan will reflect the key strategic goals and objectives identified through the initiatives already completed. In addition, the Governor is requiring that the budget process be linked to strategic plans beginning with fiscal year 1998-99; therefore, it is even more critical that the current strategic planning process be as comprehensive as possible. Budget augmentation requests for the 1998-99 fiscal year will not be considered for approval unless an organization has an approved strategic plan and the budget requests are linked to specific objectives in the plan.

B. Definitions of Strategic Plan Elements

Following are brief definitions of each of the Strategic Planning elements required in a Strategic Plan. These definitions are provided to assist in the review of the specific draft language that has been developed and that is provided under Section V., Options for the Board.

- **Mission Statement** - The mission of an organization is a brief, concise statement that describes its unique purpose and reason for existence. It identifies what the organization does, for whom and why. A mission statement reminds the public, the Governor, the Legislature, and organization personnel of the unique purpose promoted and served by the organization.
- **Values** - Values are the human factors that drive the conduct of an organization and that function as a guide to the development and implementation of all policies and actions. Values summarize the operating philosophies that will be used in fulfillment of the vision and mission.

- **Vision Statement** - A vision creates an inspiring picture of what the organization would like to become beyond today. It is not bound by time, represents global and continuing purposes, and serves as the foundation for the strategic planning process.
- **Goals** - Goals are issue-oriented statements that reflect the realistic priorities of the organization and chart the future direction of the organization by focusing its actions toward clearly defined purposes and policy intention. Within the scope of the mission, goals move the organization toward the realization of its vision.
- **Objectives** - Objectives are specific and measurable targets for the accomplishment of a goal. They mark interim steps toward achievement of the mission and goals. An objective is achievable, measurable, and sets the direction for strategies and action plans.
- **Strategies** - Strategies are specific courses of action that will be undertaken by the organization to accomplish its goals and objectives. Strategies are action-oriented rather than procedural in nature and are directly linked to output measures.
- **Action Plans** - Action Plans are the specific workplans that will be used to accomplish the organization's goals, objectives, and strategies.
- **Performance Measures** - Performance measures are indicators of the work performed and the results achieved. They describe, in both quantifiable and qualitative terms, how well the activities and processes within an organization are achieving specified goals and objectives and strategies. Measures are the most effective means to obtain and understand performance feedback.

- **Monitoring and Evaluation Plan** - This is the system used to regularly measure and evaluate the effectiveness of the organization's performance results relative to the strategic plan. The plan is revised in accordance with the results of this ongoing evaluation.

C. **Discussion of Goals**

Option 1:

Following is a discussion of each goal being presented for consideration under Option 1, in order to provide context and further clarification of the scope and intent of the language of each goal.

- ⇒ **Goal: To ensure that our customers reach and maintain California's 50% mandate.**

This goal is intended to encompass the tools and methods that the Board implements to assist local jurisdictions in reaching the 50% diversion mandate. It includes program assistance to local jurisdictions, training and technical assistance, as well as regulation development, data management, and financial assistance. The intent behind this goal is to change how waste is managed, not just for the purpose of meeting the 50% mandate, but as a permanent cultural change enabling us to maintain and perhaps exceed the 50% target.

Possible examples for staff focus in the development of objectives to meet this goal could include, but are not limited to, consideration of activities such as:

- Development of sustainable markets for recovered materials;
- Waste prevention and resource conservation practices that reduce the generation of solid waste and increase the efficient use of materials;
- Program assistance to local jurisdiction; and

- Education and outreach efforts targeted to reduced waste disposed from residences, businesses and schools.

Once objectives are drafted, strategies will be developed in support of each objective.

⇒ ***Goal: To ensure compliance with waste management statutes and regulations to maximize protection of public health and safety and the environment.***

This goal is intended to address activities that support the basic environmental protection statutes and regulations that govern the Board's oversight of waste and recovered materials facilities throughout the state. Efforts to provide technical and financial assistance, training, regulatory development, and education can be encompassed by this goal.

Possible examples for staff focus in the development of objectives to meet this goal could include, but are not limited to, consideration of activities such as:

- Ensuring geographically sufficient landfill capacity;
- Efforts to clean up and prevent pollution from improperly managed waste; and
- Training to enhance Board staff and Local Enforcement Agency (LEA) performance in support of state minimum standards.

Once objectives are drafted, strategies will be developed in support of each objective.

⇒ ***Goal: To meet the needs of internal and external customers through continuous quality improvement and integration of our efforts.***

This goal is intended to address the tools and methods necessary to satisfy the Board's pledge to maintain a customer focus in our work, to pursue our Board priorities through cross-functional efforts both internally and externally, and to support the Board's

commitment to continually seek to improve our work products.

Possible examples for staff focus in the development of objectives to meet this goal could include, but are not limited to, areas such as:

- Training to enhance cross functional Board staff and external customer job performance;
- Development of integrated databases to satisfy internal and external information dissemination needs; and
- Development of processes⁵ to ensure quality control of Board work products.

Once objectives are drafted, strategies will be developed in support of each objective.

Option 2:

In this option, the policy areas covered by the proposed goals reflect those in Option 1; however, this option proposes goals that are more specific.

- ⇒ Goal: To ensure that our customers reach and maintain California's 50% goal.
- ⇒ Goal: To facilitate development of sustainable markets for recovered materials.
- ⇒ Goal: To ensure compliance with waste management statutes and regulations to maximize protection of public health and safety and the environment.
- ⇒ Goal: To foster waste prevention and resource conservation practices that reduce the generation of solid waste and increase the efficient use of materials.
- ⇒ Goal: To clean up and prevent pollution from improperly managed waste.

V. Options for the Board

The following options are presented to the Board:

1. The Board may adopt the Goals listed in Option 1 or Option 2 as listed above under "C - Discussion of Goals."
2. The Board may modify the Goals listed above in Option 1 or 2.
3. The Board may direct staff to develop additional options for consideration at a future Board meeting.

VI. Staff Recommendation

Staff recommend that the Board approve the Strategic Plan Goals as identified Option 1 above, for inclusion in the Board's 1997 Strategic Plan. It should be noted that these Goals are presented with equal priority. It is staff's intention to bring Objectives and Strategies forward in April 1997 for consideration and prioritization by the Board. Performance Measures are also planned for consideration in April.

VII. Attachments

- A. The California Integrated Waste Management Board's 1997 Strategic Plan Vision, Mission and Values
- B. Features of Successful Strategic Planning

VIII. Approvals:

| | | |
|---------------|-----------------------------|----------------|
| Prepared by: | <u>Rubia E. Packard</u> | <u>3/17/97</u> |
| | Rubia E. Packard | Date |
| Reviewed by: | <u>RP for Jill L. Jones</u> | <u>3/17/97</u> |
| | Jill L. Jones | Date |
| Reviewed by: | <u>Susan Pedersen</u> | <u>3/17/97</u> |
| | Susan Pedersen | Date |
| Legal Review: | <u>n/a</u> | <u></u> |
| | | Date |

California Integrated Waste Management Board
Resolution No. 97-119
March 25, 1997

Adoption of the Goal Element of the Board's
1997 Strategic Plan

WHEREAS, strategic planning is one of the keys to the success of an organization's efforts to improve the efficiency and effectiveness of its programs and operations; and

WHEREAS, The Board recognizes that development of a strategic plan is critical in meeting internal needs in the areas of long term planning, identifying and committing to key strategic goals and objectives, providing clear policy direction, and having a clear vision of the role of the Board in the future; and

WHEREAS, all of these needs were clearly identified by staff during Program Integration Plan (PIP) sessions conducted to assess internal needs; and

WHEREAS, the Department of Finance (DOF) is requiring all state agencies, boards and departments to submit a strategic plan to the Governor's Office by July 1, 1997; and

WHEREAS, the Board has considered input from several recent efforts to assess key factors that influence our success in achieving our mission and goals in the development of the 1997 Strategic Plan; and

WHEREAS, these efforts include the "Getting to 50% Initiative", the Market Development Plan, the Tire Fund Allocation process, the budget review process, the "Other 50% Initiative", the Waste Prevention Plan, and the Program Integration Plan; and

WHEREAS, the Board has also considered key Administration initiatives such as the Governor's California Competes Initiative, legislative direction, Senate Bill 1082 (Chapter 418, Statutes of 1993), budget language, pertinent Executive Orders issued by the Governor, the Cal/EPA Strategic Plan, and pertinent

statutory and regulatory language in the development of the 1997 Strategic Plan;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following Strategic Goals for inclusion in the Board's 1997 Strategic Plan:

- **Goal:** To ensure that our customers reach and maintain California's 50% diversion mandate.
- **Goal:** To ensure compliance with waste management statutes and regulations to maximize protection of public health and safety and the environment.
- **Goal:** To meet the needs of internal and external customers through continuous quality improvement and integration of our efforts.

Certification

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the Board held on February 27, 1997.

Dated:

Ralph E. Chandler
Executive Director

California Integrated Waste Management Board

Vision, Mission and Values

(as Adopted by the Board 2/27/97)

Vision Statement

"Our vision is that the California Integrated Waste Management Board will be the recognized national and international leader in the integrated management of waste and recovered materials to best serve the public, the economy, and the environment of California."

Mission Statement

"Our mission is to reduce the generation and improve the management of solid waste in California to conserve resources, develop sustainable recycling markets, and protect public health and safety, and the environment. We do this in partnership with public agencies, industry, business, and the public we serve."

Values

"Values are the operating principles that are followed in fulfillment of an organization's Mission and Vision. It is the responsibility of each member of this organization to know these values we stand for and to act in accordance with them.

Commitment to the Environment:

We build our concern for the environment into everything we do.

Commitment to Quality:

We strive for quality and continuous improvement.

We act with integrity, honesty, and a sense of ethics.

We are accurate, timely and consistent.

Commitment to Partnership and Service:

We work in partnership with our internal and external customers to ensure integration.

We are committed to problem solving that meets the interests of all parties.

Commitment to People:

We foster an environment that encourages personal responsibility, initiative, innovation, and diverse perspectives.

We ensure a safe and non-discriminatory work environment.

We support personal and professional growth and encourage a healthy balance of personal, family and professional priorities.

We listen actively and communicate openly and honestly.

We recognize each others' successful contributions and deal constructively with our failures.

Through acceptance of these responsibilities, we hope to deliver more than we promise and earn the trust and support of the people of California."

FEATURES OF SUCCESSFUL STRATEGIC PLANNING

INTERNAL/EXTERNAL ASSESSMENT is an analysis and evaluation of key internal and external data and factors that influence the success of an agency in achieving its mission and goals.

MISSION is the reason for an agency's existence. It succinctly identifies what the agency does, and why and for whom it does it. A mission statement reminds everyone- the public, the Governor, Legislators, and agency personnel- of the unique purposes promoted and served by the agency.

VALUES are the core actions the agency will abide by in achieving its mission.

VISION is an inspiring picture of a preferred future. A vision is not bound by time, represents global and continuing purposes, and serves as a foundation for a system of strategic planning.

GOALS are the general ends toward which agencies direct their efforts. A goal addresses the organization's purpose by stating policy intention. They are both qualitative and quantifiable, but not quantified.

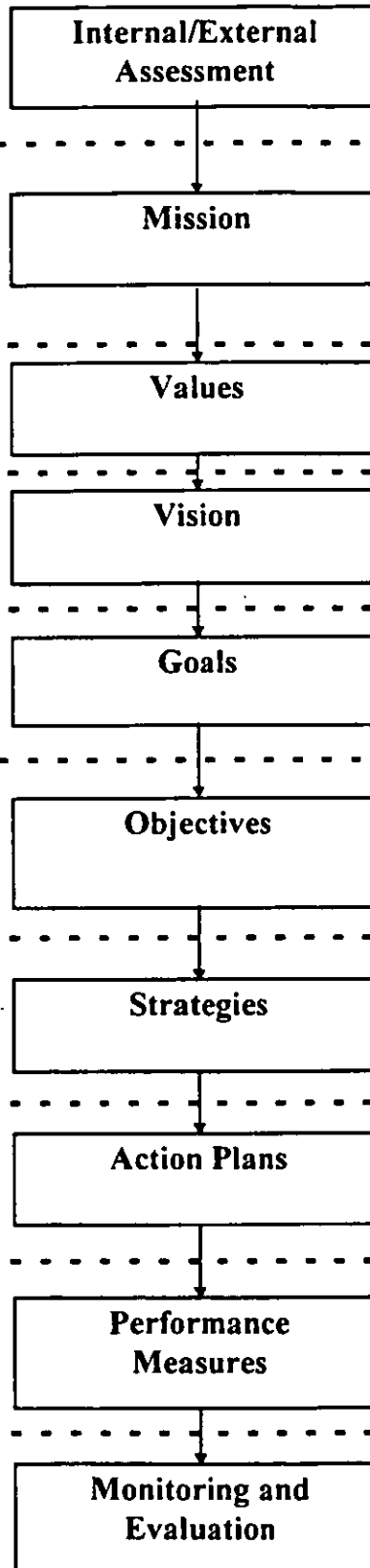
OBJECTIVES are clear targets for specific action. More detailed than goals, objectives have shorter time frames and may state quantity. An objective is achievable, measurable, and sets the direction for strategies and action plans.

STRATEGIES are specific courses of action that will be undertaken to accomplish goals and objectives. They are action-oriented rather than procedural in nature and are directly linked to output measures.

ACTION PLANS are specific workplans that will be used to accomplish the organization's goals, objectives, and strategies.

PERFORMANCE MEASURES are indicators of the work performed and the results achieved in an activity, process, organization, or program. Performance measures can generally be divided into outcome measures, output measures, input measures, or efficiency measures.

MONITORING AND EVALUATION is a system used to monitor progress and keep plans on track.



WHERE ARE WE NOW?

WHERE DO WE WANT TO BE?

HOW DO WE GET THERE?

HOW DO WE MEASURE OUR PROGRESS?

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25-26 1997

AGENDA ITEM 3

ITEM: CONSIDERATION OF OPTIONS FOR ENHANCING THE INTEGRATED WASTE MANAGEMENT FEE INCLUDING FEE INCREASES AND COLLECTION OF THE FEE FROM NEW SOURCES (50% INITIATIVE STRATEGIES 4, 5, AND 6)

I. SUMMARY

At its January 23, 1997 meeting, the CIWMB discussed the recommendations of the "Getting to 50% Initiative" and directed that their implementation be discussed in more detail by the Board's various committees. The recommendations relating to the Integrated Waste Management Fee were referred to the Administration Committee. These recommendations are now being presented for the Board's consideration.

The "Getting to 50% Initiative" recommended a range of proposals to enhance the efforts being made to reach the waste diversion goals established by AB 939. The alternatives focus on increasing the revenue available to the Board, correcting an inequity the application of the fee, and using the fee as an incentive to stimulate waste prevention and recycling.

#4. Raise IWM Fee rate to \$1.40 to increase funding available for waste prevention programs.

#5. Impose IWM Fee at MRFs and Transfer stations for materials disposed of outside of California.

#6. Greatly increase IWM Fee and provide a break for cities/counties that meet or exceed diversion goals.

II. PREVIOUS COMMITTEE ACTION

The agenda item is being heard on March 18, 1997 by the Administration Committee.

III. OPTIONS FOR THE BOARD

Board members may decide to:

1. implement one or more of the recommendations.
2. give staff other directions at this time.
3. take no action at this time.

IV. STAFF RECOMMENDATIONS

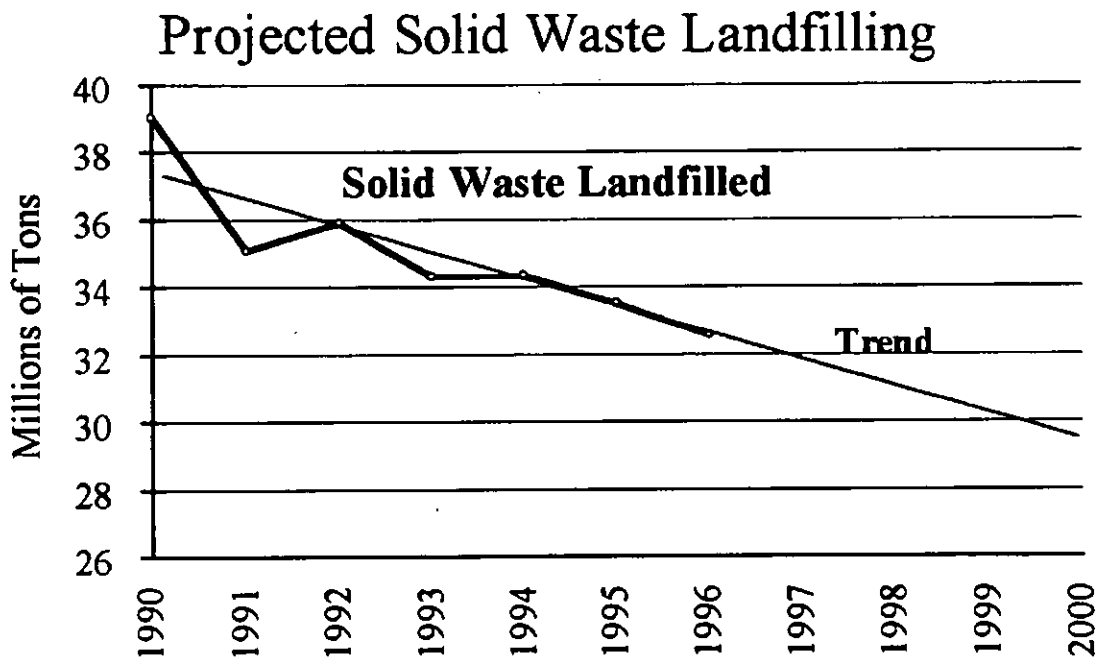
None

V. ANALYSIS

1. CURRENT IWMA REVENUE SITUATION

Solid waste disposal subject to the IWM fee is falling approximately one million tons each year. Between 1990 and 1996, annual solid waste landfilling subject to CIWMB fees has fallen from 39 million to 32.6 million tons; a 17 percent loss. The amount of solid waste annually diverted from landfills has increased approximately 5.5 million tons. The amount of waste exported from California annually has risen approximately 280,000 tons. An additional 150,000 tons may be being exported by the end of 1998.

If this trend continues, annual disposal could fall to less than 31 million tons by the end of 1998. This would be a loss of one quarter (26%) of the IWMA's original funding base. The anticipated revenue would fall from \$44,055,000 in the current fiscal year to \$41,540,000 in 1998.



2. THE BOARD'S AUTHORITY

The CIWMB has the authority to set the IWM Fee so that revenues are generated "equivalent to the approved budget for that fiscal year, including a prudent reserve" but no greater than \$1.40 per ton.¹ At current disposal rates, each \$0.01 increase in the rate would generate approximately \$320,000. Thus, up to \$1,920,000 could be generated by the end of FY 1997-98 if the IWM Fee was raised to its statutory ceiling.

3. DECLINING REVENUES

Revenues to pay for the Board's solid waste programs have fallen significantly since fiscal year 1990-91. During fiscal year 1990-91, the IWM Fee was collected at \$0.75 per ton and the Eastin Fee² was \$.53 per ton. During 1996 only the \$1.34/ton IWM Fee was paid. Thus, the total state level solid waste fee paid to the CIWMB increased \$0.06 (4.7 %) between these periods. On the other hand, annual reported disposal decreased from 37.6 million tons to 32.6 million tons; a 5.0 million ton (13%) decline. Thus solid waste fee payments declined \$6.0 million.

| | FY 1990-91 | 1996 | Change | % Change |
|---------------------------------------|---------------|----------|------------|----------|
| Total Solid Waste Fee (\$/ton) | \$1.28 | \$1.34 | \$0.06 | +5% |
| Disposal (1,000s tons) | 37,614 | 32,595 | - 5,019 | -13% |
| Total Solid Waste Payments (\$1,000s) | \$49,284 | \$43,238 | \$ - 6,046 | -12% |

This decline was not spread uniformly among all counties. Thirty-two counties, which together dispose of 79 percent of the reported disposal, paid less fees in 1995.

AB 1220

Assembly Bill 1220 in 1993 combined the IWM and Eastin fees into a consolidated IWM Fee which could range only between \$1.34 and \$1.40 per ton. Without the Eastin Fee's ability to adjust to disposal rates, the Board's solid waste funding was left much more sensitive to diminished disposal. In addition to falling disposal, this new fee structure also contributed to declining

¹Public Resources Code Section 48000

²For 1990 disposal.

IWM Fund revenues. If the solid waste fee structure had not changed in 1993, total state solid waste payments would have been \$600,000 greater in fiscal year 1995-96 than they actually were. The Eastin Fee would have collected \$20 million (at \$0.61/ton) while the IWM Fee would bring in about \$24.6 million (at \$0.75/ton) for a total of \$44.7 million in 1995 (at \$1.36/ton). Only \$44.1 million was paid in 1995-96.

AB 1220, in addition, eliminated the need for landfill operators to pay fees to both the CIWMB and the State Water Resources Control Board (SWRCB). The consolidated IWM Fee is now used to fund SWRCB's landfill related activities via an annual transfer from the IWMA. The amount transferred is adjusted as the disposal rate changes. It is estimated that annual landfill payments to SWRCB were reduced approximately \$1.3 million. Overall, payments to the state by landfill operators in fiscal year 1995-96 were \$1.9 million less than they would have been under the old structure.

Waste Export

Due to more attractive landfill gate fees in nearby states, there has been an increase in the amount of waste shipped for disposal outside of California. The IWM Fee is levied on landfill operators in California and thus waste sent out of state is not subject to it. An estimated 400,000 tons were exported in 1995 which would have generated approximately \$500,000. This represents not only diminished revenue for the IWMA but also creates an inequitable situation. Jurisdictions that export their waste and thus do not pay state solid waste fees are still eligible to receive benefits, including loans and market development assistance, from the Board.

4. "GETTING TO 50% INITIATIVE" RECOMMENDATIONS

Increasing IWMA Revenues

#4. Raise IWM Fee rate to \$1.40 to increase funding available for waste prevention programs.

■ Advantages:

This could provide an additional \$2 million per fiscal year or a total of \$6 million over fiscal years 1997-98 through 1999-2000.

Does not require legislation.

● Disadvantages:

An increase in the state levy on solid waste could result in either lower revenues to landfill operators and/or higher tipping fees for their customers.

Correcting an Inequity

#5. Impose IWM Fee at MRFs and Transfer stations for materials disposed of outside of California.

The Board should seek legislation to impose the IWM Fee on solid waste that is exported for disposal outside of California.

■ Advantages:

This could make available an additional \$ 500,000 per fiscal year for CIWMB diversion programs.

Would eliminate an inequity in the current IWM Fee structure.

● Disadvantages:

Would require legislation.

Creating an Incentive

#6. Greatly increase IWM Fee and provide a break for cities/counties that meet or exceed diversion goals.

The IWM Fee structure could be modified to a sliding scale (starting at \$5.00 per ton, for example) such that the rate paid by each landfill would fall as its jurisdiction(s) met and/or exceeded its diversion goals. The scale could be set so that either the overall effective fee rate would be equal to the current fee rate or would be higher than the current rate.

■ Advantages:

Could provide a significant incentive for waste diversion.

● Disadvantages:

Would not necessarily enhance the IWMA's sensitivity to reduced disposal.

Would require legislation.

VII. APPROVALS

Prepared by: Dennis Meyers *DJM* Phone: 255-2242
Reviewed by: Rick Beard *(RB)* Phone: 255-2710
Reviewed by: Marie Lavergne *M Lavergne 3/14* Phone: 255-2269
Reviewed by: _____ Phone: _____
Reviewed by: _____ Phone: _____
Legal review: _____ Phone: _____

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25-26 1997

AGENDA ITEM 4

ITEM: CONSIDERATION OF POSSIBLE IMPROVEMENTS TO THE GRANT APPLICATION PROCEDURES TO ENHANCE THE BOARD'S ABILITY TO ACCESS OUTSIDE GRANT FUNDS (50% INITIATIVE STRATEGY NO.7)

I. SUMMARY

At the January 23, 1997 California Integrated Waste Management Board (Board) Meeting, the Board discussed the recommendations of the "Getting to 50% Initiative" and directed that their implementation be discussed in more detail by the Board's various committees. The recommendations concerning the Board's grant application procedures to improve its ability to access outside grant funds was referred to the Administrative Committee.

The "Getting to 50% Initiative" recommended the Board review its current procedures for applying for grants and, if necessary, to revise the procedures to allow the Board to submit timely applications for grant funds.

II. COMMITTEE ACTION

The agenda item is being heard on March 18, 1997 by the Administration Committee.

III. OPTIONS FOR THE BOARD

Board members may direct staff to:

1. Inform Board staff, with a formal document, of the Board's federal grant process.
2. Contact other state agencies with successful grant application programs to enhance our efforts.
3. Direct staff to continue with their current efforts.

IV. STAFF RECOMMENDATIONS

Staff recommends that the Board direct staff to proceed with options 1 and 2.

V. ANALYSIS

Government Code Section 13326, Chapter 3, Article 2, Statutes of 1949, Chapter 96 requires that every state agency requesting or "preparing budgets to be submitted to the Federal Government for funds, equipment, material or services", shall, upon completion of such request or budget, first submit their request to the Department of Finance (DOF). The DOF has the "authority to

approve, disapprove, modify, or amend any such request or budget before it is submitted to the proper federal authority."

Management Memo 96-13 "Application for Federal Grants" from the DOF, requires that California Environmental Protection Agency (CalEPA) approval be obtained prior to submission to DOF at least 10 days prior to the federal deadline for application. Grants Administration Unit will ensure the revised Federal Grant Request form and Section 5000-05 be updated per Management Memo 96-13.

Therefore, it is the Board's policy that when any Board staff are preparing budgets to be submitted to the Federal Government, making an application for new federal grants or increases to existing federal grants, regardless of the amount, they are required to have prior approval by the Board's Executive Director, CalEPA, and the DOF and/or the Governor's Office. For sensitive policy issues, or federal grants which require a State funding match or which may result in future costs to the State, the DOF will forward the request to the Governor's Office for final determination. On all other issues, approval is at the discretion of the appropriate DOF Program Budget Manager.

Procedure

The Acceptance of Federal Grants procedure (Attachment 1) shows various steps in pursuing federal funding. These procedures, and the time needed to complete them, may appear to Board staff to be an impediment to their ability to apply for federal grants. However, the majority of announcements contain realistic deadlines and staff are able to complete the application process in a timely manner. In those cases where adequate advanced notice is not received, the Board's federal grant application process has not prohibited the submission of an application. Recently, applications were submitted for federal grants with as little as eleven days notice.

The Board has successfully applied for numerous grants from agencies such as the U.S. Environmental Protection Agency. Typically, staff starts the approval process by following the Federal Grant Process (Attachment 1) and completing the Federal Grant Request form (Attachment 2). This allows time for staff to start gathering the information they need to successfully complete an application for federal assistance.

It is important to note there are a variety of factors program staff considers when pursuing a particular federal funding opportunity. For example: 1) consistency with CIWMB mission, 2) program objectives, 3) current program workload, 4) current/future program resources, 5) eligibility for states, 6) timeframes, both to submit the application and to complete the project, 7) amount of money available, 8) expected level of competition/probability of getting funded, 9) probability of

future funding, recurring versus one time competitive grants, 10) cost effectiveness for CIWMB, 11) required subcontracts or interagency agreements, and 12) any special provisions.

SEARCHING FOR GRANTS

Currently, the Grants Administration Unit (GAU) reviews daily the Internet and the Federal Register for federal grants. If GAU finds any applicable Notice of Funds Available (NOFA's) they are disseminated to appropriate program staff for their action.

In addition, staff from the Waste Prevention and Market Development Division attends the "Interagency Group for National Industrial Competitiveness through Energy, Environment, and Economics (NICE³) Federal grant Coordinators" roundtable meeting on the availability of NICE³ federal grants. Other state agencies attending include the California Energy Commission, Department of Water Resources, State Water Resources Control Board, Air Resources Board, Department of Toxic and Substance Control, Resources Agency, and the Food and Agriculture Board. The group meets twice a year.

The R-Team has a USEPA Region 9 contact who informs them of grants that may come available and the criteria necessary for the application. If the information does not apply to the R-Team, they disseminate the information to the appropriate program staff within the Board.

OTHER RESOURCES

Possible sources of information on federal grants include, but are not limited, to the following: a) Commerce Business Daily, b) Catalog of Federal Domestic Assistance, c) private newsletters such as, Federal Grant & Contracts Weekly. Additional assistance may be available from the State Library or by contacting potential federal funding agencies directly.

CONCLUSION

The Board currently has a process for the application and acceptance of federal grant funds. Occasionally, notices of funds available will be announced with a short application deadline. In these cases, it may be difficult, but not impossible, for staff to adhere to the procedures and submit a timely application.

Staff should be informed of the application process and of past successful grant applications, especially those received on short notice. GAU staff can also attempt to enhance our grant searches and applications by examining similar efforts in other state agencies.

VI. ATTACHMENTS

1. The Policy for Acceptance of Federal Grant Administrative Manual Section 5000-05.
2. Federal Grant Request Form

VII. APPROVALS

| | | |
|--------------|--|-----------------|
| Prepared by: | <u>Sara Avila</u> | Phone: 255-2409 |
| Reviewed by: | <u>Dennis Meyers</u> DJM | Phone: 255-2242 |
| Reviewed by: | <u>Rick Beard</u> RB | Phone: 255-2710 |
| Reviewed by: | <u>Marie Lavergne</u> M Lavergne 3/24/97 | Phone: 255-2269 |

| | | |
|---|--|-------------------------|
| CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD ADMINISTRATIVE MANUAL | SUBJECT: Acceptance of Federal Grants | |
| | DATE: January 1993 | SECTION: 5000-05 |

GENERAL POLICY

Government Code Section 13326 requires that every state agency requesting or preparing budgets to be submitted to the Federal Government for funds, equipment, material or services, shall, upon completion of such request or budget, first submit their request to the Department of Finance (DOF) before an application for funding is submitted to the proper Federal authority. Therefore, it is the California Integrated Waste Management Board (CIWMB) policy that when any of the CIWMB's program staff are preparing budgets to be submitted to the Federal Government, making an application for new federal grants or increases to existing federal grants, regardless of the amount, the CIWMB staff are required to have prior approval by the CIWMB Executive Director, California Environmental Protection Agency (CAL EPA) and the Department of Finance and/or the Governor's Office. For sensitive policy issues, or federal grants which require a State funding match or which may result in future costs to the State, the DOF will forward the request to the Governor's Office for final determination. On all other issues, approval is at the discretion of the appropriate Department of Finance Program Budget Manager.

AUTHORITY

Government Code Section 13326

ACCEPTANCE OF FEDERAL GRANTS

PROCEDURE

- | | |
|-------------------------------------|--|
| ORIGINATOR | 1. At least 75 days prior to the federal deadline for submitting an application to any Federal agency for Federal Grant funds, THE ORIGINATOR <u>will</u> complete the attached "Federal Grant Request" application form and transmit this form to the Budget Office along with copies of the grant application. |
| BUDGET OFFICE | 1. Ensures compliance with all administrative and statutory requirements and forwards to the CIWMB Executive Director for approval. |
| EXECUTIVE DIRECTOR | 1. Approve, disapprove, modify, or amend and, if appropriate, forward the request to CAL EPA for agency approval. |
| CAL EPA | 1. Approve or disapprove your request and, if appropriate, forward the "Federal Grant Request" to the Department of Finance or return to the CIWMB's budget office. |
| DOF AND/OR GOVERNOR'S OFFICE | 1. Has the authority to approve, disapprove, modify, or amend any such request or before it is submitted to the appropriate Federal authority. 2. Will notify the CIWMB's Budget Office of their decision. |
| BUDGET OFFICE | 1. Will notify the originator of the DOF's decision. |
| ORIGINATOR | 1. If appropriate, will submit application to the Federal Government for Federal Grant funds. |

FEDERAL GRANT REQUEST

Date: _____

I. Department _____ II. Program _____

III. Grant Title _____ IV. Application Amount _____

V. Brief Description: (Please attach a copy of the federal register.)

_____VI. Budget Impact: Yes No1. Is this a new activity not included in the budget? ☐ ☐2. Has this activity ever been denied by the Administration
or the Legislature? ☐ ☐3. Is this a sensitive policy issue? ☐ ☐VII. If the answer to any of the above is yes, please explain below and send to DOF for approval.

VIII. Approvals:

Department Director Approval_____
Agency Secretary Approval_____
Department of Finance Approval

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 97-118

APPROVAL OF STAFF RECOMMENDATION REGARDING THE GRANT APPLICATION PROCEDURES IN ORDER TO ACHIEVE THE 50% DIVERSION MANDATE; 50% INITIATIVE, STRATEGY #7: ENHANCE THE BOARD'S ABILITY TO ACCESS OUTSIDE GRANT FUNDS

WHEREAS, Government Code Section 13326 requires every state agency to have prior approval by the Board's Executive Director, CalEPA, and the DOF and/or the Governor's Office when preparing budgets to the Federal Government; and

WHEREAS, Management Memo 96-13 "Application for Federal Grants" from the State Department of Finance, requires that CalEPA approval be obtained prior to submission to DOF at least 10 days prior to the federal deadline for application.

NOW, THEREFORE, BE IT RESOLVED, after Board consideration, the Board's grants administration staff will inform other Board staff, with a formal document, of the Board's federal grant process and contact other state agencies with successful grant application programs to enhance our efforts.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on March 25, 1997.

Dated:

Ralph Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25, 1997

AGENDA ITEM 5

ITEM: CONSIDERATION OF FOCUSING THE BOARD'S TIRE LOAN AND GRANT PROGRAMS TO MAKE DIVERSION POTENTIAL THE HIGHEST PRIORITY EXPANDING RECYCLING OF SPECIFIC MATERIALS/PRODUCTS (50% INITIATIVE STRATEGY NO. 8)

I. SUMMARY

At its January 1997 meeting, the Integrated Waste Management Board (Board) referred Strategy #8 under the 50% Initiative to both the Board's Market Development Committee and Administration Committee for consideration. The Market Development Committee was to hear the aspect of the strategy pertaining to Recycling Market Development Zone (RMDZ) loans, and the Administration Committee was to hear those aspects pertaining to the Tire Recycling grants and loans.

II. PREVIOUS COMMITTEE ACTION

At the time the Board agenda item was due, the Administration Committee had not yet met. The results of the March 18, 1997, Administration Committee meeting will be presented at the Board meeting.

III. OPTIONS FOR THE BOARD

The Board may:

1. Accept the Committee's recommendation.
2. Modify the Committee's recommendation.
3. Take no action and provide staff with further direction.

IV. STAFF RECOMMENDATION

Staff recommends that the Administration Committee defer consideration of this issue to the Policy, Research and Technical Assistance (Policy) Committee. This request is being made because this item will be discussed in the Waste Tire Management Program activities and allocation item on the April 8, 1997, Policy Committee agenda and because tire program issues have historically been addressed by the Policy Committee.

V. ANALYSIS

Tires represent about 1% (by weight) of California's waste stream. Staff estimates that currently, about 60% of waste tires generated in the state are being diverted from landfill disposal and stockpiling, thus contributing 0.6% toward the 50% diversion goal (leaving another 0.4% to contribute toward the goal).

As part of the April 8th Policy Committee agenda item, staff will discuss the tire grant and loan programs in relation to the market development plan and 50% initiative. Rather than separately focus on the grant and loan programs to effect maximum diversion potential through recycling, the Board may wish to continue to look at all aspects of tire management in the state, including tire pile abatement and stockpile management, to ensure that public health and safety continue to be protected.

VII. APPROVALS

| | | | |
|--------------|---|------------|-----------------------------|
| Prepared by: | <u>Nate Gauff</u> <i>NG</i> | Phone: | <u>255-4578</u> |
| Reviewed by: | <u>Nguyen Van Hanh</u> <i>NVH</i> | Phone: | <u>255-2437</u> |
| Reviewed by: | <u>Martha Gildart</u> <i>M. Gildart</i> | Phone: | <u>255-2619</u> |
| Reviewed by: | <u>Caren Trgovcich</u> <i>CT</i> | Phone: | <u>255-2320</u> |
| Reviewed by: | <u>Marie LaVergne</u> <i>M. LaVergne</i> ^{3/14/97} | Phone: | <u>255-2269</u> |
| Legal: | <u>N/A</u> | Date/Time: | <u> </u> |

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting

March 26, 1997

AGENDA ITEM 6

ITEM: CONSIDERATION OF INCREASING EQUIPMENT BUYING POWER FOR LOCAL GOVERNMENTS THROUGH USE OF STATEWIDE CONTRACTS (50% INITIATIVE STRATEGY NO. 18)

I. SUMMARY

As a result of workshops held to receive input on issues associated with reaching the 50% diversion requirement of the Integrated Waste Management Act (IWMA), a suggestion was made to leverage greater buying power for local governments through the use of statewide contracts. This concept would assist cities and counties to increase buying power for equipment such as recycling containers, backyard composters, tub grinders, and trucks through the use of statewide contracts.

Leveraging greater buying power through statewide contracts could assist diversion programs that are ready for implementation and seeking specific equipment or existing programs that need to replace existing equipment. This would allow diversion programs to take advantage of economies of scale when purchasing necessary equipment.

II. PREVIOUS COMMITTEE ACTION

At the time this item was prepared, the Administration Committee had not met.

III. OPTIONS FOR THE BOARD

Board members may decide to:

1. Have Board program staff inform the local government program staff to contact their procurement offices regarding purchasing needs, and existing programs that are already in place with the Department of General Services for the establishment and use of statewide contracts.
2. Have Board program staff perform an assessment of specific equipment needs for local governments and provide collected information to the CIWMB Business Services Office (BSO). The BSO would coordinate the information to the Department of General Services for the establishment and use of statewide contracts.

3. Not pursue this concept any further since a program already exists with the Department of General Services to perform competitive purchasing and establish statewide contracts for local governments.

IV. STAFF RECOMMENDATION

Staff recommends that the Board adopt Option #1 since there is an existing process in place with the Department of General Services pursuant to Public Contract Code, Section 10324. This could be achieved through the use of the Infocycling Newsletter or a Fact Sheet.

V. ANALYSIS

CONCEPT #18: Leverage greater buying power through state contracts for local governments.

This concept was suggested to help cities and counties increase buying power for equipment such as recycling containers, backyard composters, tub grinders, trucks, etc. through the use of statewide contracts. Leveraging greater buying power through the use of statewide contracts would assist diversion programs, especially those in rural or small cities and counties, that are ready for implementation and seeking specific equipment, or existing programs that need to replace existing equipment. This would allow diversion programs to take advantage of economies of scale when purchasing necessary equipment. Legislative change is not needed, as there is already a process in place with the Department of General Services to do competitive purchasing for local governments.

Board Work on Concept to Date

Not Applicable.

Relationship to Other Board Activities and Other Work

In accordance with Public Contract Code, Section 10324, the Department of General Services has sole authority to make purchases of materials, equipment or supplies on behalf of any city, county, district or other local governmental body or corporation empowered to expend public funds for the acquisition of property upon written request of such local agency; provided that the purchases can be made by the Department of General Services upon the same terms, conditions and specifications at a price lower than the local agency can obtain through its normal purchasing procedures. The local agency shall accept sole responsibility for payment to the vendor.

Local agencies may request the Department of General Services to establish statewide contracts for particular commodities at any time. The only requirements are that the local agencies: 1) commit themselves to purchase the quantities requested; 2) that the specifications are competitive; and 3) have sufficient funds available to pay for the purchases made.

The Department of General Services maintains a mailing list of all local governments. The Department of General Services will perform surveys of local governments to determine the degree of interest in purchasing materials and equipment and determine the most cost effective means to obtain said commodities for the local governments based on quantity requested. Statewide contracts are not always needed to obtain discounted costs. Large equipment (i.e. trucks) may only require a quantity of one or two to be purchased in order to obtain competitive prices; thus, a statewide contract would not be needed.

Key Issues

Since there is an existing process in place with the Department of General Services, there appears to be a possible lack of information communicated between the various local government program staff and their purchasing officers.

There are not any legal issues involved or legislative changes needed relating to this concept.

Future Board Work If Board Approves the Concept

Option #1 would require staff time to develop an article for the Infocycling Newsletter and mail to all the constituents maintained on the mailing list.

Recommended Strategy From the 50% Initiative

In the 50% Initiative, staff recommended the Board direct staff to: 1) identify any legal or administrative issues with a proposal to leverage buying power for equipment; 2) work with cities and counties to determine what equipment purchases could be assisted by this program; and 3) if feasible, pursue legislation where necessary, and then develop a proposal for a statewide contract and implementation process.

However, due to Public Contract Code, Section 10324, a program already exists with the Department of General Services to perform competitive purchasing and establish statewide contracts for local governments. Therefore, it is not necessary for the Board to pursue this issue further. Since there appears to be a lack of information relating to purchase options, Board staff could provide such information to local government program staff informing them to contact their procurement office regarding purchasing needs and existing programs. This could be achieved through the use of the Infocycling Newsletter or a Fact Sheet.

VI. FUNDING INFORMATION

Option #1 would cost approximately \$200 for one Infocycling newsletter mailing.

VII. ATTACHMENTS

Not Applicable.

VIII. APPROVALS

| | | | | | |
|--------------|---|----------------|-------------------|-----------|----------|
| Prepared by | : | Sandi Conry | <i>SC</i> | Phone: | 255-2252 |
| Reviewed by | : | Terry Jordan | <i>TJ 3/7/97</i> | Phone: | 255-1399 |
| Reviewed by | : | Marie LaVergne | <i>ML 3/10/97</i> | Phone: | 255-2259 |
| Legal Review | : | | | Date/Time | |

VI. FUNDING INFORMATION

Amount Requested in Item: \$ _____

Fiscal Year: _____

Fund Source:

- ☐ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other _____
(Specify)

Approved From Line Item:

- ☐ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other _____
(Specify)

Redirection:

If Redirection of Funds: \$ _____

Fund Source: _____

Line Item: _____

California Integrated Waste Management Board

Resolution 97-102

March 26, 1997

WHEREAS, as a result of workshops held to receive input on issues associated with the 50% diversion initiative, a suggestion was made to leverage greater buying power for local governments through the use of statewide contracts;

NOW THEREFORE, BE IT RESOLVED after Board consideration of Increasing Equipment Buying Power for Local Governments Through Use of Statewide Contracts (50% Initiative Strategy No. 18),

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25, 1997

AGENDA ITEM 7

ITEM: CONSIDERATION OF THE LEGAL ISSUES RELATED TO A PROPOSED APPROACH TO PROVIDE BOARD STAFF ASSISTANCE TO CITIES/COUNTIES IN ORDER TO ACHIEVE THE 50% DIVERSION MANDATE (50% INITIATIVE STRATEGY NO. 32)

I. SUMMARY

In order to encourage cities/counties to meet their 50% diversion mandate by 2000, the Board is in the process of considering the development of numerous programs to achieve this requirement. Recently, cities and counties have requested assistance from the Board to comply with the diversion mandate. One suggested program is for the Board to provide a city or county with a Board employee who would help prepare, adopt and/or implement the diversion element of an integrated waste management plan.

This agenda item analyzes the legal issues pertaining to an approach where Board staff would be assigned or loaned to assist cities/counties in reaching the 50% diversion mandate. Funding of the staff could be the responsibility of either the Board or the city/county.

Several legal issues are analyzed:

- The Board and cities/counties have specific statutory roles and responsibilities in reaching the 50% diversion mandate. Although the Board has some role in assisting cities/counties in meeting the 50% mandate, the obligation to comply with the mandate remains with cities/counties.
- The procedure to effectuate a Board employee assignment is through an interjurisdictional agreement. Special attention should be given to the various statutory requirements for such agreements, such as employee consent, type of work performed and length of the assignment.
- The Board has ample flexibility in deciding whether and when to take enforcement action against a city/county that fails to submit an integrated waste management plan with an adequate diversion element, or fails to implement the plan. If a city/county fails in one of these areas, even though the Board provided staff assistance, the Board still has the authority to take appropriate enforcement action.
- A situation might arise where the Board takes enforcement action, imposing an administrative civil penalty against a city/county, and the city/county brings an action against the Board alleging faulty assistance or failure to provide any assistance in the first place. In either situation, pursuant to the California Tort Claims Act, the Board would not likely be liable.

- Despite the fact that the Board may have the legal authority to provide assistance to jurisdictions and to impose a penalty for noncompliance, Board employee involvement in preparing or implementing a plan may create the appearance of bias in reviewing these plans and allegations of Board employee fault for noncompliance will certainly complicate Board review of jurisdictions' performance.

II. PREVIOUS COMMITTEE ACTION

The Committee has not previously taken action on this topic. At the time this item went to print, the Committee had not yet taken an action on this item.

III. OPTIONS FOR THE BOARD

The Board may:

1. Accept the Staff recommendations; or
2. Modify the Staff recommendations.

IV. STAFF RECOMMENDATIONS

Direct staff to not pursue the concept further. While legally possible to do the work, the budget and other considerations of equitable treatment of jurisdictions outweigh the benefits.

V. ANALYSIS

A. Concept

Californians generate about 45 million tons of waste per year. State law, effective in 1990, requires waste diversion in order to conserve landfill space and natural resources. The waste diversion goals are ambitious: 25% diversion by 1995 and 50% diversion by 2000. Each of California's cities and counties is required to meet the diversion goals in partnership with private industry, the public and the Board. In 1994 California's cities and counties submitted the first evidence of the progress being made in implementing diversion programs and diverting waste. The reports indicated significant progress in implementing diversion programs. Statewide, cities and counties met the 25% diversion goal for 1995.

To assist cities and counties in meeting the diversion goals, the Board has already developed many tools and provided much assistance. To reach the 50% diversion goal many cities and counties are examining the current conditions, identifying

existing and potential diversion programs which could be used to reach the goal and determining the effectiveness and cost of diversion programs for various materials. Implementation of diversion programs will affect cities and counties, the public and industry involved in waste management and waste diversion.

B. Legal Issues/Board Work on Concept to Date

1. Board versus City/County Responsibility for Diversion Plan

Cities/counties are required to prepare integrated waste management plans which include a source reduction and recycling element that meet the diversion requirements of PRC section 41780 and 14 CCR 18730 et. seq. However, PRC section 41910 does provide that:

The board shall establish ... an office of local government assistance. The office shall, to the maximum extent feasible, utilizing existing resources, assist local agencies in the preparation, modification, and implementation of integrated waste management plans.

This latter section does indicate that the Board has the authority to provide appropriate assistance to local jurisdictions. This section does not, however, require the Board to assign a Board employee to assist in diversion programs, or that if the Board does assign an employee, the Board must fund the costs. Cities/counties still have the absolute obligation to meet the diversion requirements of PRC section 41780.

Cities/counties are required by PRC section 41900 to demonstrate a funding source to pay for preparing, adopting and implementing a diversion plan. This section provides that funds can be raised by imposing local fees to cover the costs of the plan. With the passage of Proposition 218, cities/counties may argue that since voter approval is necessary to impose new fees, they are limited in funding a diversion plan. The cities/counties then may argue that the Board has a duty to provide staff to prepare, adopt and implement the program. Although the Board can consider this argument, the statutory responsibility for funding, preparing, adopting and implementing a diversion plan still rests with the cities/counties.

2. Interjurisdictional Exchanges

Temporary assignments or loans of state employees to other agencies or jurisdictions (including cities/counties) is authorized by Government Code section 19050.8, the California

State Personnel Board Personnel Management Policy and Procedures Manual section 341 (Interjurisdictional Exchange), and 2 CCR sections 426-442. The primary requirements for the assignment of employees are detailed below.

- These sections provide the legal authority for the Board to participate in interjurisdictional exchanges. The city/county must be able to show that they also have similar legal authority.
- In the situation where the Board assigns a staff person to assist a city/county, the assignment must be for the benefit of the state and for the purpose of enabling an agency to obtain expertise needed to meet a compelling program or management need. The program/management need must have a broad and significant impact on Board operations and efficiency, and may involve either:
 - Special projects that require a breadth and depth of demonstrated expertise or a level of response that cannot be obtained under normal staffing procedure; or
 - Staffing situations that require temporary reassignments to prevent or alleviate a negative impact upon departmental operations and efficiency.
- The assignment can be made only with the voluntary consent of the employee.
- The term of the assignment may not exceed four years.
- The temporary assignment must be documented by a written agreement containing, at a minimum, a statement that the assignment or loan of the employee is subject to 2 CCR 427, the period, duties and conditions of the assignment or loan, the compelling program or management need to be accomplished, and a provision for either continuing or substituting alternatives for all rights and benefits to which the employee is otherwise entitled.
- The temporary assignment should be further documented by a written statement containing certain information, including a description of the management needs and staff expertise required, justification that the agency's needs cannot be met through the existing organizational structure, certification that the employee possesses the required expertise, and certification that the employee has voluntarily consented to the assignment.
- Other information recommended for the assignment document includes a statement that any recommendation

by Board staff is technical assistance only, is subject to city/county approval and will not expose the Board to any liability for taking enforcement action for failure to comply with the requirements of the PRC.

- The Board, the employee, or the city/county may terminate the assignment at any time for any reason. In addition, the State Personnel Board may terminate the assignment if it is being carried on contrary to the law.
- The employee shall be considered an employee of the Board, except that the employee's work and activities shall be subject to the direction of the city/county.
- The employee's salary and benefits may be paid by either the Board or by the city/county.

The Board previously has participated in interjurisdictional employee exchanges with the federal government and other countries. If the Board decides to implement a program where Board staff would routinely be assigned to assist a city/county, staff would create a form specifically designed for assignments to aid cities/counties in creating 50% diversion programs.

3. Enforcement Against City/County

If the Board provides staff assistance for a 50% diversion program, and then the city/county either fails to submit a plan with an adequate Source Reduction and Recycling Element, or the city/county fails to implement the Source Reduction and Recycling Element of a plan, the city/county might argue that the Board is partially or fully responsible for this failure. They could argue that they should not be required to revise a faulty plan and/or the Board should not hold the hearing required by statute (PRC sections 41810-41813). The Board has no discretion to allow noncompliance with these provisions since the provisions are mandatory. Thus, the provisions in these PRC sections cannot be waived by the Board, even if Board staff provided assistance to the city/county in the 50% diversion program.

Where enforcement action is appropriate, the Board can take that action, whether or not Board staff assisted the city/county. If the enforcement action is optional (i.e. imposition of penalties), and the Board chooses to take that option and impose penalties, the city/county has no argument against the Board action. The city/county has no recourse against the Board if the Board takes enforcement action since the city/county is entrusted with the responsibility for diversion efforts. Simply because the Board provides staff assistance does not shift the diversion responsibility to the Board. The structure of the PRC sections

regarding integrated waste management plans clearly separates the roles and duties of the Board and cities/counties. The role of the Board is to guide and advise; the role of the city/county is to reach the 50% diversion mandate.

4. Board Responsibility for City/County Failure

If the Board took enforcement action for deficiencies in a 50% diversion program, a city/county conceivably could bring legal action against the Board seeking various forms of relief: rescind enforcement action taken by the Board (i.e. administrative civil penalties); hold the Board liable for the penalties; or waive statutory requirements imposed by the Board (i.e. holding a hearing).

a. Board Had Not Provided Staff Assistance

If the Board had decided to not provide staff assistance for diversion programs, the city/county might argue that the Board is liable for their failure based on the Board's obligation to provide assistance pursuant to PRC section 41910.

The city/county might rely on Government code section 815.6 which provides:

Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.

A city/county could argue that PRC sections 41910 imposes the type of "mandatory duty" contemplated by Government code section 815.6. This argument, however, is not likely to succeed. First, the "mandatory duty" placed upon the Board is to enforce the state's 50% diversion mandate, not to prevent a city/county from becoming the subjects of such enforcement. In fact, the "mandatory duty" with respect to meeting the 50% mandate is upon the city/county itself, and cannot be shifted to the Board. Also, this Government code section was intended to be applied to circumstances such as a county jail failing to release a prisoner from jail after all charges against him had been dismissed, not against an enforcement agency attempting to help another agency achieve legislatively imposed environmental goals. See Sullivan v. Los Angeles County, 12 Cal.3d 710 (1974).

b. Board Did Provide Staff Assistance

If the Board provided staff assistance for the diversion program, the city/county might bring an action against the Board if it believed that a Board employee was at fault in creating the circumstances that led to the enforcement action (i.e. failure to submit an adequate plan or failure to implement a plan). However,

the California Tort Claims Act (Government Code sections 810 et. seq.) would most likely provide a complete defense to the Board and the employee who allegedly gave faulty advice.

Pursuant to Government Code sections 815, 815.2 and 820.2, both the Board and the employee would be immune from liability for injury based on any act or omission resulting from the employee's exercise of discretion. An act constitutes an exercise of discretion if it occurs during the "planning" level, rather than the "operational" level of decisionmaking. See Taylor v. Buff 172 Cal.App.3d 384 (1985). It is likely that any errors in judgment made by Board employees would be made while mapping out a strategy to meet the 50% mandate. Such a stage would likely be held to be the "planning" level of decisionmaking, and thus, neither the Board nor the employee would be liable. Note, however, there would be liability if the employee's acts were ministerial in nature, requiring mere implementation of a plan or "rubber stamp" type activities. This means that employee activities should not occur at the ministerial level.

Furthermore, the city/county may argue that based on Government Code section 895.2, the board and the city/county are jointly and severally liable for the fines imposed for failure to meet the 50% mandate. This section provides:

Whenever any public entities enter into an agreement, they are jointly and severally liable upon any liability which is imposed by any law other than this chapter upon any one of the entities or upon any entity created by the agreement for injury caused by a negligent or wrongful act or omission occurring in the performance of such agreement.

The weakness in this argument lies in the fact that an administrative civil penalty is not a tort judgment intended to make a wronged defendant whole. The aim of the civil penalties is encouraging compliance with regulatory standards; the funds are used to further aid cities/counties in reaching compliance with the diversion requirements. Recognition of this essential distinction compels the conclusion that the Board could not possibly be liable for any part of a penalty imposed on a city/county by the Board.

5. Impact on Board Review of Plans and Imposition of Penalties

Despite the fact that the Board may have the legal authority to provide assistance to jurisdictions and to impose a penalty for noncompliance, Board employee involvement in preparing or implementing a plan might still negatively impact Board review of plans and imposition of penalties.

First, any plans that are prepared with Board employee assistance would also be reviewed by Board staff which would then be making recommendations to the Board. Even though the review would not be done by the same staff members that assisted in preparing the plan, review of these plans by co-workers might create an

appearance of bias in reviewing these plans.

Second, if a jurisdiction that fails to submit a plan or fails to implement the plan alleges that the noncompliance was the fault of a loaned Board employee, then the Board may be put in the difficult position of reviewing its own employee's performance rather than focusing on the jurisdiction's performance. This issue would, at the very least, distract the Board from the true focus of the review and make the review more complicated. These allegations might also create an appearance of bias similar to the type noted above.

C. Non-Legal Considerations

Several other issues must be analyzed if the Board provides its employees to help cities/counties with diversion programs:

1. Budget

A primary issue regarding assignments of Board employees is whether the Board or the city/county will pay the employee's salary and benefits (either option is authorized by 2 CCR section 426). The ultimate financial responsibility for diversion programs is with the city/county (PRC section 41900). However, the Board is also authorized to assist cities/counties pursuant to PRC section 41910. Since both the Board and cities/counties have some amount of responsibility, the Board would need to consider whether it could expend funds and the impact on other Board programs. If the city/county agreed to reimburse the Board for the employee, the Board could get a limited term employee to replace that person. In that case, budget considerations would be minimal (i.e. staff time to process applications for assistance, preparing interjurisdictional agreements, etc.). Replacement staff could be hired even if the city/county did not reimburse the Board for the loaned employee, but the Board would then have to pay a second salary for a new employee to do the work of the loaned employee.

2. Staff workload

There are several issues regarding the work previously done by an employee who is sent to assist a city/county. If a replacement staff is not hired, then what happens to the workload of the loaned employee? If the work is redistributed to others, do remaining staff then work overtime? Or are some projects simply not done? The Board currently has a no overtime policy.

3. Perception of Board Liability

If the Board provides its staff to help a city/county prepare, adopt or implement a diversion program, the Board still maintains authority to take enforcement action if a city/county fails to submit an adequate waste management plan, or fails to implement the plan. However, there could be a perception of Board liability or responsibility, even though the legal duty for the diversion plan remains solely with the city/county. This incorrect perception could create a public relations problem, which could likely be avoided by good communication between the Board and the

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Board Meeting
March 25, 1997

AGENDA ITEM 11

ITEM: CONSIDERATION OF THE GETTING TO 50% INITIATIVE CONCEPTS
ASSIGNED TO THE LOCAL ASSISTANCE AND PLANNING
COMMITTEE:

- A. STRATEGY #17: PROVIDE MODELS FOR EFFECTIVE DIVERSION
AND PROGRAM COMPARISON
- B. STRATEGY #23: CONTINUE TO FOCUS ON DIVERSION PROGRAMS
IMPLEMENTED, NOT JUST ACHIEVEMENT OF NUMERICAL GOALS
- C. STRATEGY #25: MEASURE NUMERICAL GOAL ACHIEVEMENT BY
COUNTY, REGION, OR STATE, NOT BY INDIVIDUAL CITY OR
UNINCORPORATED COUNTY
- D. STRATEGY #26: DEVELOP SOLUTIONS TO PROBLEMS WITH
MEASURING GOAL ACHIEVEMENT
- E. STRATEGY #27: COORDINATE BOARD TECHNICAL ASSISTANCE TO
SPECIFIC CITY/COUNTY AND CONTINUE SHIFT FROM PLANNING
TO DIVERSION PROGRAM IMPLEMENTATION ASSISTANCE
- F. STRATEGY #28: PROVIDE CITIES/COUNTIES IMPLEMENTATION
TOOLS SUCH AS CASE STUDIES/MODELS
- G. STRATEGY #29: FACILITATE PARTNERSHIPS BETWEEN BOARD,
CITIES, COUNTIES, AND PRIVATE ENTITIES TO TAKE
ADVANTAGE OF ECONOMIES OF SCALE IN ACHIEVING 50%
DIVERSION GOAL

I. SUMMARY

At its January meeting, the Board directed each Committee to consider selected items from the 50% Initiative Staff Proposal and present recommended actions to the Board in March. This agenda item will allow Local Assistance & Planning Committee consideration of the following 50% Initiative concepts:

- 17. Provide models for effective diversion and program comparison.
- 23. Continue to focus on diversion programs implemented, not just achievement of numerical goals.
- 25. Measure numerical goal achievement by county, region, or state, not by individual city or unincorporated county.

26. Develop solutions to problems with measuring goal achievement.
27. Coordinate Board technical assistance to specific city/county. Continue shift from planning to diversion program implementation assistance.
28. Provide cities/counties implementation tools such as case studies/models.
29. Facilitate partnerships between Board, cities, counties, and private entities to take advantage of economies of scale in achieving 50% diversion goal.

II. PREVIOUS COMMITTEE ACTION

The Local Assistance and Planning Committee had not considered this item at the time this Item was prepared for the Board Meeting.

III. OPTIONS FOR THE BOARD

Specific options related to each concept are found in the Analysis Section below. In general, the Board may choose to:

1. direct staff to further investigate one or more concepts for implementation; or
2. approve a modification to the concept and direct staff to further investigate the modified concept.
3. not investigate further one or more of the concepts.

IV. ANALYSIS

A brief staff analysis for each concept to be considered by the Board. Each discussion includes: 1) the concept raised in the 50% initiative process; 2) Board work on the concept to date; 3) relationship of the concept to other Board activities and other work; 4) key issues if the concept is pursued further; 5) staff recommended strategy from the January 1997 50% Initiative Board agenda item; and 6) other strategy options which include not

pursuing the concept further and possible modifications to the concept.

CONCEPT #17. Provide models for effective diversion and program comparison.

This concept consists of ideas which included: 1) developing a model program handbook that would list successful types of municipal diversion programs and provide case studies; 2) improving quantitative basis for local decision making, maximizing impact, cost effectiveness, etc. through models designed by Board-led decision making workshops; and 3) providing uplink/downlink capability to increase participation in Board training/workshops for and with partners.

This concept is similar to Concept 28, but there was more emphasis on models which allow comparison. Staff has included information on comparative models here and in Concept 28, discussion focuses on requests for case studies and additional tools.

Providing successful model programs and comparison models of various programs to cities, counties and private industry would serve as valuable planning tools, helping to make programs more effective in reaching 50 percent diversion. Effective is defined as those activities and programs which produce relatively high diversion results with low program costs. Cities, counties and private industry would be able to draw upon the information, selecting the right mix to increase waste diversion. The proposed models would be expansions of existing models or development of new models. In evaluating the concept, it was assumed that the models would be practical and relevant, serve cities, counties and private industry needs, and take less than one year to be developed.

This is an expansion of existing Board programs and no legislation would be required.

Board Work on Concept to Date

The Board has already developed several models to assist with waste prevention and diversion, including the Facility Cost Model which provides planning information on construction and operation of IWM facilities, and the Collection Cost Model which provides planning information on residential collection of recyclables.

In addition, Board staff has developed model contracts for private businesses collecting recyclable materials at State offices in areas outside the Sacramento area (currently in the San Francisco Bay area and the Riverside/Orange Counties area). These contracts are serving as a model to local government for their programs, especially since these contracts have been revenue generating.

The Waste Characterization Database should be available in the next few months. Characterization information by business or business type can be used to determine the most effective diversion programs, collection, and diversion facility needs.

Board staff is currently developing the Automated Diversion Planning Tool (ADPT) to assist jurisdictions in comparing a range of diversion programs before selecting and implementing the diversion programs.

Relationship to Other Board Activities and Other Work

All the Board's current efforts recognize that successful diversion/collection programs need to be tied to successful market development activities.

The Waste Characterization Database is valuable information for helping to determine the most cost effective Board focus in a variety of areas including, but not limited to, market development assistance, public education, and partnership and leveraging activities.

Among the numerous resources outside the Board are the federal government, industry and other states' case studies on successful programs and web sites on the internet.

Key Issues

- Models can save jurisdictions significant amounts of time and money.
- Ongoing database and model maintenance is needed to keep information current, pertinent, and useful.
- Preparation of new models will take considerable time. Jurisdictions need information quickly to be able to utilize it in time to divert additional materials to meet the 50% diversion goal.
- Jurisdictions also need technical support to select the most appropriate models and to customize the models to be most effectively implemented in their particular jurisdiction.

Previous comments on models indicate that users need assistance to assess the relevance of a model to the user's situation.

Future Board Work if Board Approves the Concept

There would be some additional cost to the Board through increased contract funds or staff assigned to develop the models.

- 1) Expand work with cities, counties and private industry to identify successful, effective programs and the conditions that result in a successful diversion program.

This task can be labor intensive and time consuming. Numerous contacts to each entity will need to be made to obtain the necessary information on successful programs. Once the program descriptions are complete, the descriptions will need to be maintained for correct contact names and phone numbers.

- 2) Identify whether additional or modified diversion program comparison models are needed once existing models are available.

3) Develop descriptions of models and products highlighting effective programs.

Staff will prepare detailed descriptions of successful programs, costs, and reasons/conditions which contributed to the programs' success for distribution to jurisdictions.

4) Assist local decision-makers on deciding what programs would work in their jurisdiction.

Staff would assist jurisdiction staff to use/customize models to identify and evaluate and how they relate to the needs of the jurisdiction.

5) Provide ongoing maintenance of existing models and databases keep information up-to-date and useful.

Any expansion of current efforts will require additional resources, especially if models and databases are to be established and maintained.

Staff Recommended Strategy

Staff recommends the Board direct staff to: 1) work with cities, counties and private industry to identify successful, effective programs; 2) identify additional diversion program comparison models needed; and 3) develop proposals on models and products highlighting effective programs for Board consideration.

Other Strategy Options

Other strategy options are:

1) Not to pursue the concept further.

2) Develop a "how-to" guide that enables local staff to customize models and implement selected programs with less direct guidance from Board staff.

CONCEPT #23. Continue to focus on diversion programs implemented, not just the achievement of numerical goals.

This concept included a number of suggestions that included 1) changing the law to emphasize diversion program implementation; and 2) placing more emphasis on diversion than accounting.

There has been considerable confusion about the current statute which requires that the Board examine diversion program implementation as well as goal measurement. The Board is required by law to implement this concept.

Since current statute requires it, no legislative change would be needed to implement the concept.

Board Work on Concept to Date

The Board has developed several mechanisms, some in statute, that provide flexibility in achieving mandated diversion goals as long as approved programs are implemented and "good faith" effort is demonstrated. Some of these apply specifically to rural jurisdictions while others are available to all jurisdictions.

Current statute requires communities to undertake minimum implementation of core programs in SRREs for predominant waste types, public sector diversion and procurement, and public information and education and other diversion efforts that are "feasible." The Board has allowed reasonable time extensions in meeting the diversion goals, provided that a jurisdiction is working towards the maximum feasible program implementation through source reduction, recycling, and composting.

The Board adopted a CIWMP enforcement policy that analyzes various scenarios of both program implementation and diversion requirements. This policy includes criteria to assist jurisdictions and Board staff in determining program effectiveness, market conditions, sufficient funding, and reasonable time frames for program implementation. During the review of annual reports submitted by local jurisdictions, staff will make recommendations related to the level of implementation

that each jurisdiction has achieved, as well as examining achievement of numerical goals.

In addition, staff routinely provides technical assistance to jurisdictions to assist in the preparation of planning documents, the implementation of waste reduction programs, and the measurement of program success.

Relationship to Other Board Activities/Outside Parties:

Many jurisdictions, including a large proportion of smaller jurisdictions, have expressed concerns that planning and goal measurement take limited resources away from diversion program implementation. They argue they would be more successful if the "numbers achievement" was less important and more effort could be devoted to implementation.

Others have stated that, without careful planning and the measurement of success, jurisdictions would not be able to fund those programs which have the greatest impact and discontinue those which are less effective. Planning and goal measurement to them are as important as program implementation.

Key Issues:

The key issues surrounding this concept are confusion about the current statute which requires both diversion program implementation and goal measurement and the relative weight of program implementation and goal measurement as the Board considers whether jurisdictions have met the requirements of the IWMA.

Some jurisdictions, such as the smaller ones, may believe getting programs implemented and informing businesses and residents about waste reduction are more important than careful attention to disposal reduction measurement. Other jurisdictions, where implementation is well underway, may believe measurement is particularly important to guide resources to the most effective programs over the next 2-3 years.

CIWMP Enforcement Part 2: *Plan Implementation* provides guidelines during the review of annual reports and in biennial reviews, but local government officials may not be aware of the various scenarios that could apply to their situations. In some cases, a jurisdiction may be implementing all planned programs and not meeting their diversion requirement. If a good faith effort has been made, then the Board will need to assess the conditions which prevented the jurisdiction from meeting its goal. Other issues such as regional markets, targeted materials, and technology improvements may be considered.

Focusing on both disposal reduction and program implementation provides a "check and balance": Do the implemented programs account for the disposal reduction achieved? Do the results from one balance the results of the other?

Future Board Work if Board Approves Concept

Any changes approved by the Board requiring legislative or regulatory will require appropriate staff resources to complete the needed work. If the Board directs staff to provide additional technical assistance to local jurisdictions to implement diversion programs, the additional resource needs is dependent upon the extent of added assistance provided.

Staff Recommended Strategy:

Staff recommends that the Board direct staff to develop a method to educate local entities about existing statute and Board policies regarding diversion program implementation and goal measurement.

Other Options:

The Board may choose to:

- recommend pursuing changes in legislation to assess only a jurisdiction's program implementation effort.
- recommend pursuing changes in legislation to focus only on goal achievement.

- not pursue educating local entities about statutory requirements regarding diversion program implementation and goal measurement.

CONCEPT #25. Measure numerical goal achievement by county, region or state, not by individual city or county.

Many goal measurement issues are tied to problems with allocating waste to 531 individual cities and counties. This problem developed in the base-year when waste at landfills serving multiple cities or counties was allocated primarily based on population. Prior to this time, there was no standard system for measuring waste disposal at the jurisdiction level. Instead, there were only state requirements for tracking quarterly disposal tonnage at the landfill level, which usually represented waste disposed from multiple jurisdictions. As a result, many incorrect assumptions were made in the base-year waste generation studies when tonnage were allocated to individual jurisdictions. For example, many generation amounts for a multi-jurisdiction area were allocated to individual jurisdictions based on population. It is now known that population does not accurately represent waste generated by businesses, and businesses generate about 55% of the California waste stream.

Many of the issues in the current jurisdiction-specific disposal measurement system relate to the difficulty in determining from what city or county the waste is delivered. For example, many haulers have routes that are multi-jurisdictional, and jurisdiction boundaries are not easily identified, so waste generated from one jurisdiction may be incorrectly attributed to another jurisdiction. There would be fewer issues with goal measurement and less potential for error if goal achievement was measured instead at the county, regional or state level.

Current statute requires goal achievement to be measured either at the jurisdiction level, or, optionally, at a regional level. Therefore, this concept would require a legislative change if current requirements were changed to mandate measuring goal achievement at a county, regional, or state level.

Board Work on Concept to Date

In January 1996, the Local Assistance and Planning Committee (LAPC) authorized the formation of a working group, and contracted with Dr. Eugene Tseng, to address base-year and reporting year accuracy concerns. The working group met throughout 1996 and in early 1997 to discuss the issues and to develop solution options for jurisdictions with inaccurate waste measurements. Many of the problems identified by the working group were related to the difficulty in quantifying waste at a jurisdiction-specific level. The recommendations of the working group for correcting or resolving the measurement inaccuracies are presented in a separate Board agenda item this month. One of the solutions recommended by the working group was to encourage jurisdictions to take advantage of the current statutory option to form regional agencies for measuring goal achievement.

There has been some working group discussion about the idea of revising statute to require goal measurement at a county, region, or statewide level like this concept proposes, but no research has been conducted on the potential impacts, costs or benefit to individual jurisdictions, counties, current regions, the Board, or the state from such a change.

Relationship to Other Board Activities and Other Work

This concept relates to the Board's required determination of whether plans have been implemented to meet the goal, and the upcoming biennial review and the Board's assessment of whether jurisdictions have met the requirements of the law, or whether to impose a penalty for non-compliance.

Key Issues

Under current statute, forming a region for measuring goal achievement is an option open to jurisdictions. Regions can be advantageous to both the members of a region, and to the Board, because a regional agency may report to the Board as a single entity, and thus eliminate many of the allocation and/or

reporting errors. However, because of concerns with potential liability for Board penalties and various political reasons, many jurisdictions are reluctant to form regions.

Revising statute to require reporting goal achievement at the county, region, or state level would reduce allocation and reporting errors, but would require legislative change to implement. Current law has a direct link between a jurisdiction's or approved region's goal measurement and Board consideration of whether the requirements of the law are met. A change to measuring the goals for a larger area without assigning responsibility for implementing programs to achieve the goals could cause some jurisdictions to reduce program implementation due to reduced accountability. Such a change would need to include consideration of how the Board looked at program implementation and goal measurement. For example, statute would have to be revised to specify who had the authority to enforce program implementation; who would be responsible if the goal was not met; and how that would be determined. One approach might be to require jurisdictions to implement specific diversion programs from the SRRE and have less flexibility than currently found in the Board's CIWMP Enforcement Policy which uses goal measurement as the trigger for looking at programs more closely. Current statute allows jurisdictions to implement diversion programs of their choice.

This concept would reduce time spent by haulers, facility operators, counties, and/or regions in collecting and reporting disposal reporting information, and Board staff time in reviewing the information would also be reduced. This concept could also reduce Board staff time spent on reviewing each city's and county's planning documents.

An argument against measuring goal achievement on a larger area than a jurisdiction-specific level is that some jurisdictions may choose to take less responsibility for implementing diversion programs than they would if held individually responsible for program implementation and goal achievement.

Future Board Work if Board Approves the Concept

DPLA staff would need to prepare a report on the issues associated with changing the required area used for measuring goal achievement. The work could be contracted out, but that would require either a new contract, or an augmentation of an existing Interagency Agreement. The report could include an analysis of this concept and a recommendation to either maintain the status quo, to revise the current measuring system in some way, or to change the current system to place more emphasis on implementing diversion programs. Such a report could likely take several months to prepare, and any recommended changes could require legislative changes. If the legislative changes were made, Board regulations would be needed, and jurisdictions would need to change their current systems accordingly.

Modifying the concept to remove current legislative disincentives for regional agencies would not require additional staff work or contract augmentation.

Staff Recommended Strategy

Staff recommends the Board request a report from staff on issues associated with changing the required area used for measuring goal achievement. Based on that report and subsequent Board discussion, it is recommended the Board decide whether to pursue Board-sponsored legislation.

Other Strategy Options

The Board could choose to:

- 1) not to pursue the concept further;
- 2) pursue legislation that removes current financial disincentives for forming a region (i.e., a fine of potentially \$10,000/day multiplied by the number of member agencies in the region if the goal is not met).

CONCEPT #26. Develop solutions to problems with measuring goal achievement.

This concept included suggestions which ranged from: 1) develop information on disaster waste and goal measurement; 2) establish a new base-year when measurement accuracy problems are solved; and 3) improve methods for identifying orphan diverted wastes at MRFs.

As stated in the concept 25, there have been measurement inaccuracies which developed during the base-year when measurement issues and the sources of waste generation were less well known. Inaccuracies have also been identified with disposal tonnage reported by jurisdiction under the current disposal reporting system. This concept would expand on existing activities to add work on various types of measurement issues that has not yet started. The Board's Measurement Accuracy Working Group (composed of representatives from local government and the solid waste industry) is working with staff and Dr. Tseng under an Interagency Agreement (IAA) to develop solutions and corrections to measurement inaccuracies.

This suggestion would modify an existing Board program and, depending on the solutions developed, could require legislation.

Board Work on Concept to Date

Board staff has reviewed and studied the documents, reports, and goal achievement calculations required from each jurisdiction. As a result, Board staff has identified numerous areas of concern related to the base-year measurements that jurisdictions included in their initial SRREs.

As mentioned in the concept 25 above, the Board's Measurement Accuracy Working Group met throughout 1996 and in early 1997 to discuss issues related to measurement inaccuracies, and to develop solution options for jurisdictions with inaccurate waste measurements. The recommendations of the working group for correcting or resolving the measurement inaccuracies are presented in a separate Board agenda item this month. One of the solutions recommended by the working group is to allow

jurisdictions to establish a new base-year from which to measure goal achievement, using more current and more accurate data.

The issues related to disaster waste and improving methods for identifying orphan diverted wastes at MRFs as they relate to measuring goal achievement will need additional work to resolve.

Relationship to Other Board Activities and Other Work

In addition to the Working Group mentioned above, there are numerous other activities related to the base-year and other goal measurement issues, including: Board staff review of local plans (Revised SRREs, Household Hazardous Waste Elements, and Nondisposal Facility Elements); Board staff review of local jurisdiction annual reports; Board staff coordination of the Disposal Reporting System; and the Board's biennial review and goal measurement process.

Key Issues

The IWMA required establishment of a base-year and set forth very broad instructions for goal measurement. Changing the methods now could be considered too extreme and/or counter to the original intent of the law. Because AB 2494 changed the reporting system in 1992, any additional changes now could be seen as "changing the rules" again, and could result in confusion. It might also raise concerns that approved plans or past reports would need to be revised and resubmitted. While most affected parties would probably welcome open, flexible and optional base-year/goal measurement solutions, prescriptive or mandatory solutions that resulted in increased costs and/or staff-time would not be so well received.

At the jurisdiction level, the reliability of the goal measurement system may never be extremely high. At the jurisdiction level there are many complications, many other factors interfere and potential problems arise. As a result, even with additional efforts, there may still be a number of jurisdictions for which it will be virtually impossible to determine an accurate and reliable diversion rate.

Many jurisdictions are very concerned with the potential fines associated with goal measurement. As a result, they may be very wary of any solutions that result in a lower corrected diversion rate for their jurisdiction, even if the lower number is more accurate.

The most far-reaching solution would be to require all jurisdictions to prepare a new base-year. This would result in the most accurate information for planning and goal measurement, but could result in new costs such as contracts for studies and/or a large amount of new efforts by local jurisdictions. However, these new costs could be minimized by allowing jurisdictions to use Board-developed tools to gather information on their waste streams.

Future Board Work if Board Approves the Concept

In a separate March Board agenda item, staff is presenting the Measurement Accuracy Working Group's proposed solution options jurisdictions can use to correct inaccuracies in their base-year or reporting year waste measurements, including establishing a new base-year. One of the other suggestions mentioned in this concept, i.e., "develop information on disaster waste and goal measurement", was part of another existing Interagency Agreement. The results of that study show there is currently a lack of disaster waste-related data available, and that further work is needed to obtain that information. The other suggestion mentioned in this concept, i.e. "improve methods for identifying orphan diverted wastes at MRFs", would need to be researched and a report prepared on related issues for Board consideration.

Subsequent to Board discussion, it is recommended the Board decide whether to pursue Board sponsored legislation related to disaster wastes and goal measurement, and/or identifying orphan diverted wastes at MRFs. If directed by the Board, staff would develop a staff proposal containing proposed legislative language for Board consideration. If legislative changes became effective, Board regulations would need to be revised accordingly.

If the information on disaster-related waste and goal measurement is to be collected and analyzed, and/or methods for identifying orphan diverted wastes at MRFs researched under contract, a new contract would need to be developed, or an existing Interagency Agreement would need to be expanded. A working group could also be formed to assist in the research, comprised of local jurisdictions and related industry representatives at minimal costs related to participating in the working group.

Resolving measurement issues may have some costs for cities, counties and the waste management industry in the short term, but could lead to savings in the long term.

Staff Recommended Strategy

Staff recommends the Board request a report from staff on problems with measuring goal achievement related to disaster waste and methods to identify orphan diverted wastes at MRFs. Based on that report and subsequent Board discussion, it is recommended the Board decide whether to pursue Board-sponsored legislation.

Other Strategy Options:

The Board could:

- 1) choose not to pursue the concept further;
- 2) direct staff to solicit further input from local jurisdictions, counties, the solid waste industry, and other interested parties on how best to fine-tune or overhaul the goal measurement process;
- 3) direct staff to prepare an agenda item and develop proposed legislative language (if needed) to pursue solutions to identified goal measurement challenges.

CONCEPT #27. Coordinate Board technical assistance to specific city/county. Continue shift from planning to diversion program implementation assistance.

Ideas in this concept include: 1) increasing assistance in establishing regional diversion facilities; 2) identifying local needs by county and city and developing specific programs to assist in implementation; and 3) providing cities and counties with focused customer service using Board staff teams from a variety of program areas.

Cities and counties are responsible for 50% disposal reduction. The cities and counties are not always able to access Board assistance from various programs in a coordinated manner. Staff designated as each city's or county's point of contact have been focused on document review, leaving little time for coordinating assistance to meet individual city or county or regional needs. Staff concentrated in the Sacramento area are not readily accessible to address the unique needs of northern cities and counties or the bulk of the waste stream in Southern California cities and counties.

Implementing ideas within this concept may require some increased staff time and resources in addition to staff currently providing assistance. This concept could be developed and implemented in a relatively short time frame. While the Board has several good assistance programs, currently only informal coordination of assistance takes place. Coordinated technical assistance programs to meet regional or local conditions is likely to result in greater diversion for cities and counties which are responsible for meeting the 50% mandate.

Some additional programs may be needed and existing programs would need additional dedicated resources for implementation. Legislation would be required.

Board Work on Concept to Date

Assisting cities and counties has been a major Board activity since passage of the IWMA. Staff assists jurisdictions to effectively implement the identified programs and to measure results. In February, 1995, the Board approved "Twenty-Five by Ninety-Five" that included direction for the staff to assist

jurisdictions to meet their planning and diversion requirements of the IWMA. Staff has aggressively pursued that direction.

Staff is currently preparing a legislative proposal to streamline planning requirements for cities and counties as a result of Governor Wilson's California Competes Initiative.

Relationship to Other Board Activities and Other Work

Staff throughout the Board that are involved in providing technical program assistance for specific city or county waste management needs include the Office of Local Assistance; Waste Characterization & Analysis Branch; Public Education & Program Assistance Branch; Used Oil and Household Hazardous Waste Branch; Public Affairs Office; Policy and Analysis Office; Permitting and Enforcement Division; Secondary Materials Assistance Branch; Recycling Business Assistance Branch; Waste Prevention, Business Education & Assistance Branch; and Secondary Materials Compliance & Technology Branch. All outreach is targeted to integrated waste management including waste prevention, diversion assistance, market development, and environmentally safe disposal.

A variety of entities outside of the Board are also involved in providing technical program assistance for specific city or county waste management needs (including the California Environmental Protection Agency; California Department of Conservation; California Resources Agency; California State Association of Counties; League of California Cities; the Solid Waste Association of North America; Regional Council of Rural Counties; California Resource Recovery Association; and California Compost Quality Council). Opportunities certainly exist to better coordinate the efforts of these entities and the Board to maximize waste disposal reduction throughout the state.

Key Issues

Given the extensive list of Board units working to assist local jurisdictions and the comprehensive group of outside agencies, the concept could focus efforts to:

- coordinate activities
- avoid overlap and duplication
- ensure a "comprehensive" message.

Coordinating staff efforts could reduce staff and travel costs. Increasing assistance available to cities and counties could increase the need for staff resources and travel costs.

The major issues will be resources available for staff and travel. Determining criteria to identify jurisdictions to target and the form the implementation assistance will take will determine the added costs to the Board. Given the decline in the Board's revenues, an issue is the balance increasing assistance to cities and counties and the delivery of other types of assistance.

Future Board Work if Board Approves the Concept

If approved, the Board staff could:

- Identify city and county requests for additional assistance.
- Determine criteria to prioritize the requests.
- Identify methods to improve internal communication opportunities to help all staff be aware of cooperative opportunities.
- Identify the most cost effective forms of providing implementation assistance and, if appropriate, present these in agenda items.

As approved by the Board, the shift from planning assistance to program implementation assistance may have no budget implications. If, however, the "shift" also includes "expansion" of assistance, staff needs will increase accordingly.

Staff will continue to develop the legislative proposal to streamline planning requirements.

Staff Recommended Strategy

Staff recommends the Board direct staff to: 1) expand use of the current informal practice of interdivisional teams working with individual cities, counties or regions on program implementation issues; and 2) pursue Board-sponsored legislation to streamline planning document preparation and reporting.

Other Strategy Options

The Board could choose not to expand this concept beyond current levels or to provide guidance to staff to identify specific jurisdictions to target (or which would not be targeted) and the specific assistance to offer.

CONCEPT #28. Provide cities/counties implementation tools such as case studies/models.

Ideas in this concept include: 1) developing information on diversion program financing options; 2) increasing the quantity of example documents available through the Office of Local Assistance library; 3) developing model contracts for city and county use; and 4) increasing the number and type of case studies available from the Board.

Cities and counties are experiencing increased requirements due to Federal and State legislation, which is shifting responsibility for funding programs to counties and cities. This decreases funding available for waste diversion activities. Developing tools and models at the state level provides cost-effective assistance to cities and counties which face waste diversion budget decreases.

Assistance tools can be used across the state. Disposal reduction, while localized, can increase through use of Board-developed tools. Existing Board tools and models, such as the Model Siting Element, have proven useful to cities and counties in meeting mandates.

Tool and model development can occur within the Board's existing programmatic structure. Legislation would not be required.

Board Work on Concept to Date

The concept is an expansion of existing Board activities since the passage of the IWMA. Documents already provided in model format include the Nondisposal Facility Element, Siting Element, Summary Plan, Annual Report, Facility Cost Model, and Curbside Collection Cost Model. Additionally, the Office of Local Assistance Library (OLA Library) provides model documents developed by jurisdictions as examples in seven categories: 1) ordinances/policies; 2) contracts/agreements; 3) Request For Proposals/Request For Qualifications; 4) funding sources; 5) public education materials; 6) rural cooperatives; and 7) other miscellaneous.

The Board has also provided jurisdictions with examples of public education information such as the Business Kit, Backyard Composting Information Kit, Backyard Composting Video, Office Paper Reduction Kit, Grasscycling Education Materials for Landscapers, downloadable clip-art for use by jurisdictions who develop their own materials, and many pamphlets and posters for all types of waste reduction activities.

Existing case studies include WRAP award case studies on Internet, the rural cookbook which is currently being updated to include more California examples and more funding opportunities, and the schools program case studies which describe successful school diversion programs. Staff is currently working on a MRF project identify the different types of MRF and compiling information into a MRF database.

Existing databases include the Solid Waste Information System (SWIS), Disposal Characterization, Disposal Reporting System (DRS), CALF Disposal Capacity Database and Recycling Collection Program Database. The Planning and Annual Report Information System (PARIS), Diversion Information, Economic Database and Waste Characterization Database are under development.

In addition, the Automated Diversion Planning Tool (ADPT), a planning tool for jurisdictions to evaluate alternative diversion programs based upon regional data, is being developed and tested for statewide distribution.

Existing "how-to" reports include the Permit Desk Manual last updated in June 1992 and LEA advisories.

Other Board activities in this same area include: development of a Used Oil manual, HHW profile sheets and fact sheets, and the Public Affairs Office materials for jurisdictions' public education and information efforts. In addition, the Household Hazardous Waste Grant Section holds household hazardous waste information exchange to share local government successes in implementing programs.

Relationship to Other Board Activities and Other Work

The concept suggested is a continuation and expansion of current Board projects listed above.

Key Issues

Jurisdictions have asked for the development and expansion of assistance tools due to reductions in local staffing and funding. Rural jurisdictions in particular have asked for assistance because program operation costs are higher due economies of scale and distance to markets.

Jurisdictions have asked that assistance materials be simple and easy to use. The Board's goal in developing any models, databases, case-studies, or guidance documents is to be as brief, easy-to-understand, and user-friendly as possible. Assistance tools should also be kept current by quickly updating materials based on statutory, regulatory, and other changes. In many cases, the differences between jurisdictions may mean they have different priorities and needs. In these situations, the jurisdictions may need additional assistance to carefully assess the models and case studies with their particular conditions in

mind, customize the programs to better fit their needs, and implement the selected strategies.

Given the decline in the Board's revenues, an issue is the balance between the development of new tools and the delivery of other types of assistance.

Future Board Work if Board Approves the Concept

To ensure that staff develop or expand on what jurisdictions would use, staff could compile information from jurisdictions of various sizes and locations to identify the models and case-studies which would be most helpful. Results would be summarized, and based on the summary, projects would be prioritized: those ranking highest will be developed first and distributed as completed through the internet, the Board's Hotline, and regular distribution avenues. In addition, the Board could consider a multi-track conference or workshop, including presenters from the Board, local governments, and private business, to explain and distribute information about successful programs.

Some additional Board staff and resources would be needed for tool development, production, and distribution. Some time would be required to develop and distribute the tools.

Staff Recommended Strategy

Staff recommends the Board direct staff to: 1) work with cities and counties to determine the most useful or needed tools and models; and 2) prepare a plan to prioritize, develop and distribute the tools and models.

Other Strategy Options

The Board could also choose not to develop more models, case-studies, or examples.

CONCEPT #29. Facilitate partnerships between the Board, cities, counties, and private entities to take advantage of economies of scale in achieving the 50% diversion goal.

This concept includes suggestions which range from: 1) facilitating dialogue between haulers, cities, counties and businesses to increase diversion; 2) looking for opportunities to combine diversion efforts among state facilities, city and county offices, and private businesses; and 3) assisting cities, counties and /or businesses/chambers of commerce in forming voluntary waste reduction coalitions similar to the Paper Reduction Coalition.

While cities and counties are mandated to reduce disposal, with few exceptions private industry has no such mandates. Fostering cooperative relationships between government and industry will not only develop a climate for expanding diversion practices but also create economies of scale resulting in reduced costs to all parties.

Partnerships can maximize the effectiveness of available resources and maximize diversion.. Ideas in this concept can be pursued immediately.

Successful partnerships require common goals and priorities. The Board has found success in current and past partnerships; this concept would further the work currently being accomplished. This concept does not require legislation or regulatory changes.

Board Work on Concept to Date

Board staff has reviewed some of the more recent efforts to develop partnerships among private and public entities. The Board has recently completed contracts with the League of Cities (LOC), the California State Association of Counties (CSAC), and DDB Needham, whose objectives were to foster public/private partnerships. Partnerships that were fostered through these contracts and other efforts included workshops addressing issues of green waste, composting, markets, household hazardous waste, landfill issues, and public education. The "Shop Smart Campaign"

in the San Francisco/Bay Area, the Hotel Waste Reduction workshops, the local "Media Workshops" designed to help local officials to address media issues related to waste management, and the "Composting Workshops" are just a few of the numerous activities that came out of these public/private partnerships.

The Waste Characterization Adjustment Method, the Automated Diversion Planning Tool, and Measurement Accuracy Working Groups all relied heavily on working in partnership. The donation of services and information have greatly exceeded the Board contract moneys expended for the products.

There are other public/private partnerships that have occurred over the last few years that were not the result of a contract. The Board has been able to enter into partnership agreements with private and public entities. For example, the Schools Section continues to provide "Closing the Loop" workshops often with the support of private industry and the local public entities. Support from private industry and the local public entities may include such items as providing refreshments and/or lunches to the teachers attending the workshops, transportation to waste management facilities, and in some cases, providing a Board-trained trainer with the materials at their own expense. There have been times when private industry and local entities have requested that the Board conduct specific workshops directed at a specific waste issue other than schools. Workshops directed to small businesses and green waste composting have often been conducted with the support of these entities through their financial and in/kind contributions.

Currently there are seven existing public/private partnerships that have been developed by the Waste Prevention and Market Development Division, some of which have existed for over two years. They include the *Promotion of Grasscycling* where staff has entered into an agreement with a leading lawn mower manufacturer to promote the benefits of grasscycling; the *Yard Waste Prevention Outreach Partnership* that seeks to get hardware and home improvement stores to distribute Board brochures and posters to customers; and the *Private Buy Recycled Strategy Alliances* with the Recycled Paper Coalition, the Alliance of

Motion Picture and Television Producers, and a number of regional building and construction alliances to promote the purchase of recycled content products. Other partnerships include support for the *California Compost Quality Council*, *Compost Demonstrations Projects*, placement of advertisements in the *Construction Blue Book*, and participation in the *Annual WestPac Conference*.

Board efforts to encourage cities and counties to form regional agencies would allow the local jurisdictions to take advantage of economies of scale. Staff has also worked to link recycling programs at state agencies with other recycling efforts.

Relationship to Other Board Activities and Other Work

This concept of public/private partnerships is related to all program activities within the Board. It would seem that each program area could identify numerous examples of past and on-going partnerships and actively seek partnerships in the future.

Key Issues

Working in partnerships can maximize the effectiveness of programs and use of resources. However, partnerships can be time consuming and, if not all partners have the same goals, it can be hard to resolve issues. A key ingredient for many past partnerships was the availability of contract dollars. With the Board's diminishing resources, it may be very difficult to continue with many some types of partnerships without substantial contract dollars. Even partnerships where the Board is a co-sponsor and participants in workshops, seminar, and conferences would require financial resources to fund per diem expenses, printing costs, and other administrative expenses. With existing limitations due to fund level and expenditure caps for such costs as travel, even some types of partnerships may become cost restricted.

Future Board Work if Board Approves the Concept

Staff would identify and evaluate the public/private partnerships that have occurred in the last few years and prepare recommendations identifying the necessary resources, both staff and funds needed, to implement existing and/or new partnerships, priorities for developing partnerships, and marketing strategies for new partnerships. This may require additional staff resources.

Staff Recommended Strategy

Staff recommends the Board direct staff to: 1) coordinate efforts to identify potential partnerships within their program area; and 2) provide cities and counties additional encouragement and guidance in developing regional agreements.

Other Strategy Options

- Board chooses not to pursue the concept further.
- Board directs staff to develop a strategy for developing new partnerships and identifying resources required to implement the partnership.
- Board directs staff as recommended with the added provision that staff provide regular updates at Committee Meetings.

V. APPROVALS

Prepared by: Bill Huston ^{WH} Phone 255-2368

Reviewed by: Lorraine Van Kekerix ^{LVK} Phone 255-2670

Reviewed by: Judith J. Friedman ^{JJF} Phone 255-2376

Reviewed by: Caren Trgovcich ^{CT} Phone 255-2320

Legal Review: EB Date 3/14/97

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 97-98

**CONSIDERATION OF THE GETTING TO 50% INITIATIVE CONCEPTS ASSIGNED
TO THE LOCAL ASSISTANCE AND PLANNING COMMITTEE**

WHEREAS, to facilitate meeting the 50% diversion requirement of the Integrated Waste Management Act (IWMA), the Board sought input from cities and counties, the public and private waste management and recycling industry, manufacturers, environmental groups, the public and its own staff on the issues associated with reaching the goal, potential solutions to obstacles and the Board's role in achieving 50% diversion; and

WHEREAS, a Board staff team was assigned to evaluate the nearly 1,000 suggestions received; and

WHEREAS, each concept was evaluated for: additional costs to the Board and others; diversion potential; demonstrated success and time to optimize the impact on the waste stream; and sphere of influence; and

WHEREAS, similar suggestions were combined into 44 "Concepts" and presented to the Board at its January, 1997 meeting; and

WHEREAS, the Board assigned the following Concepts to the Local Assistance and Planning Committee for additional public comment at its March, 1997 meeting:

- Concept 17. Provide models for effective diversion and program comparison.
- Concept 23. Continue to focus on diversion programs implemented, not just achievement of numerical goals.
- Concept 25. Measure numerical goal achievement by county, region, or state, not by individual city or unincorporated county.
- Concept 26. Develop solutions to problems with measuring goal achievement.
- Concept 27. Coordinate Board technical assistance to specific city/county. Continue shift from planning to diversion program implementation assistance.
- Concept 28. Provide cities/counties implementation tools such as case studies/models.

Concept 29. Facilitate partnerships between Board, cities, counties, and private entities to take advantage of economies of scale in achieving 50% diversion goal.

NOW, THEREFORE, BE IT RESOLVED that, following Board consideration, staff will more fully assess all Board-approved concepts for full implementation.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 25, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25-26, 1997

AGENDA ITEM 12

ITEM: CONSIDERATION OF 50% INITIATIVE STRATEGIES RELATED TO MARKET DEVELOPMENT:

- A. STRATEGY #8: REFOCUS THE RMDZ LOAN PROGRAM TO MAKE DIVERSION POTENTIAL THE HIGHEST PRIORITY
- B. STRATEGY #10: PROVIDE TAX CREDITS FOR THE PURCHASE OF RECYCLED MATERIALS AS FEEDSTOCK OR THE PURCHASE OF RECYCLING EQUIPMENT
- C. STRATEGY #33: INCREASE OUTREACH INTO BUSINESS COMMUNITY TO INCREASE PRIORITY MATERIAL RECYCLING AND BUY RECYCLED
- D. STRATEGY #34: INCREASE GREEN WASTE DIVERSION
- E. STRATEGY #35: INCREASE AWARENESS AND INFORMATION ABOUT SUPPLY, LOCATION, AND FLOW OF MATERIALS
- F. STRATEGY #36: DEVELOP MARKETS AND PROMOTE REUSE OF CONSTRUCTION AND DEMOLITION MATERIALS

I. SUMMARY

This agenda item analyzes whether the Board should pursue one or more of the market development strategies identified in the 50% Initiative. Staff analyzed the strategies in terms of (1) the extent to which the strategies in August 1996, and (2) the extent to which the 50% strategies would help overcome the market development barriers identified in the 1996 Market Development Plan (MDP).

II. PREVIOUS BOARD ACTION

At its January 1997 meeting, the Board directed the Market Development Committee to evaluate certain strategies related to market development and to develop recommendations for whether and when to pursue the strategies. The Board also directed staff to prepare brief, relevant background material for these deliberations. The Committee's recommendations were to be brought to the Board for consideration at its March 1997 meeting.

III. PREVIOUS COMMITTEE ACTION

On March 13, 1997, the Market Development Committee deliberated on nine strategies related to market development. These included the six strategies recommended by the Board for Market Development Committee consideration and three other strategies related to market development which were not recommended for further consideration in the January Board agenda item. The Committee's actions were as follows:

- #8 Amended Strategy #8 to make it clear that the change in effort refers to that expended on outreach and marketing of the loan program: "Refocus the RMDZ loan program outreach and marketing efforts to make diversion potential the highest priority."
- #10 Rejected Strategy #10: "Provide tax credits for the purchase of recycled (i.e., secondary) materials as feedstock or the purchase of recycling equipment."
- #33 Unanimously approved the strategy to "increase outreach into business community to increase priority material recycling and Buy Recycled."
- #34 Unanimously approved the strategy to "increase green waste diversion."
- #35 Unanimously approved the strategy to "increase awareness and information about supply, location, and flow of materials, with focus on secondary paper and compostables."
- #36 Unanimously approved the strategy to "develop markets and promote reuse of construction and demolition (C & D) materials."

The Committee also voted to forward to the full Board for consideration a strategy "to assist in developing markets in Pacific Rim countries."

Finally, the Committee considered two strategies that were not included in the-50% Initiative Board and decided that agenda items on these will not be forwarded to the Board for consideration. These strategies already exist in the Market Development Plan and were rejected because the Committee saw no need to expand these efforts at this time:

- Use permit assistance programs as incentives to manufacturers
- Develop closer working relationships with the Trade and Commerce Agency

IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the following strategies for implementation:

- #8 Refocus the statewide outreach and marketing of the RMDZ loan program to make diversion potential the highest priority.

- #33 Increase outreach into the business community to increase priority material recycling and Buy Recycled.
 - #34 Increase green waste diversion.
 - #35 Increase awareness and information about supply, location, and flow of materials, with focus on secondary paper and compostables.
 - #36 Develop markets and promote reuse of construction and demolition (C & D) materials.
 - Assist in developing markets in Pacific Rim countries.
2. Modify the Market Development Committee's action and add to, or remove some of, the strategies forwarded to the Board by the Market Development Committee.

V. ANALYSIS

The purpose of this agenda item is to determine whether the Board should pursue one or more of the strategies forwarded by the Market Development to the Board for consideration. Staff has analyzed the strategies in the same terms as were used in developing the 1996 Market Development Plan:

- Action has a high relative contribution toward achieving the 50% diversion goal.
- Action involves commodities which represent special collection or environmental problems.
- Action is capable of causing an impact on creating or enhancing markets.
- Action can cause the intended effect by 2000.

The complete analysis of the strategies can be found in Agenda Item 6 prepared for the March 13, 1997, Market Development Committee meeting. The results of the analysis are found in Table 1. The analysis shows:

1. Most of the strategies fail the "special commodities" test.

2. The tax credit strategy, #10, does not readily support any of the criteria and is unlikely to have an effect on market development by 2000.
3. The supply information strategy, #35, likely will be helpful in bringing about paper and compostables market development, but will do little to assist in developing markets for inerts.
4. Five of the strategies are likely to have an effect on market development by 2000. These are refocus of the loan program (#8), business outreach (#33), increased green waste diversion (#34), supply information (#35), and C&D markets promotion (#36).
5. The strategy of assisting in developing export markets in the Pacific Rim may have an effect on market development by 2000, but that outcome is by no means certain. This is due to the difficulty of influencing foreign market demand.

VI. ATTACHMENTS

Table 1. Analysis of Strategies Related to Market Development

VII. APPROVALS

Prepared by: Carole Brow  Phone: 255-2426

Reviewed by: Caren Trgovcich  Phone: 255-2320

Reviewed by: Judith Friedman  3/17/97 Phone: 255-2376

Reviewed by: Marie LaVergne  3/17 Phone: 255-2269

Table 1.

Analysis of Strategies Related to Market Development

| | Diversion Goal Contribution | Special Commodity | Anticipated Market Impact | Effect by 2000 |
|--|-----------------------------|-------------------|---------------------------|----------------|
| #8 Refocus the RMDZ loan program on diversion potential | Yes | No | Yes | Yes |
| #10 Provide tax credits | Maybe | Maybe | Not likely | Not likely |
| #33 Increase outreach into business community | Yes | No | Yes | Yes |
| #34 Increase green waste diversion | Yes | No | Yes | Yes |
| #35 Increase awareness and information about supply, location, and flow of materials | Yes | No | In some cases | Yes |
| #36 Develop markets and promote reuse of construction and demolition (C & D) materials | Yes | No | Yes | Yes |
| Assist in developing markets in Pacific Rim countries | Yes | Maybe | Yes | Maybe |

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25, 1997

AGENDA ITEM 13

ITEM: CONSIDERATION OF STRATEGIES RELATIVE TO PROVIDING
ADDITIONAL TRAINING ON ORGANIC MATERIAL RECYCLING (50%
INITIATIVE STRATEGY NO. 42)

BACKGROUND:

The Permitting and Enforcement Committee heard this item on
February 11, 1997.

Concept: Conduct additional workshops and training on organic
material recycling.

Strategy: Analyze results from workshops and response from
attendees.

Develop plan based on the results for expanding
organic materials workshops and training.

SUMMARY:

First Workshop Results:

First workshops took place in November and December of 1996. The
workshops centered on odor management issues related to organic
material recycling. The workshop's 170 attendees represented the
local enforcement agencies, organic material recycling industry,
consultants, and local government. The workshops established a
neutral forum for discussion of issues, increased understanding
of all aspects of the issues, and established the first steps
toward resolution of key aspects of issues.

First Workshop Response:

The response from attendees included the following points.
Continue issue discussion, focus discussions on finding
resolutions, include issues such as pathogen reduction, tier
structure, mulch operations, and feedstocks. The workshops
should continue to be open to all interested parties. There
should be hands on field oriented opportunities with more

*Feb
P & E
Transcript
rev'd -
pub prep
82
AGENDA
ITEM
43
44*

workshop locations. There should be more technical information transferal.

Proposed Plan:

Use an advisory committee with representatives from interested parties to provide scope and direction for workshop development. Initial planning workshop parameters will include the results and responses from the first workshops. The proposed date for the next series of workshops would be July and August of 1997.

STAFF RECOMMENDATIONS:

Staff recommend the Board direct staff to continue with implementation of the proposed plan for developing and implementing the next organic material recycling workshops.

Prepared by: Mark de Bie *mdB* Phone: 255-4164

Reviewed by: *Dan Sief* Phone: 255-2453

Approved by: *J. J. for Dorothy Rice* Phone: 255-2431

Legal Review: _____ Date: _____

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25, 1997

AGENDA ITEM 14

ITEM: CONSIDERATION OF STRATEGIES RELATIVE TO PROVIDING GUIDANCE TO LEA'S ON DIVERSION ACTIVITIES AND FACILITIES AT LANDFILLS. (50% INITIATIVE STRATEGY NO.43 AND STRATEGY NO. 44)

I. BACKGROUND

The Permitting and Enforcement Committee heard this item on February 11, 1997.

Concept: Provide fact sheets or guidance documents, to the LEA's, on diversion activities at disposal facilities and guidance to encourage the operation of diversion facilities at landfills and disposal sites.

Strategy: The above concepts will be incorporated into an LEA Advisory format and provided to LEA's and other interested parties. The plan for developing the proposed advisory includes it's presentation at the six LEA Roundtables in May 1997, to solicit LEA participation, in developing the proposed advisory. The proposed advisory will be finalized after the May Roundtables and the LEA Advisory issued in July 1997.

STAFF RECOMMENDATIONS:

Staff recommend the Board direct staff to continue with implementation of the proposed plan for developing and providing the LEA advisory.

Prepared by: Cody Begley C.B. Phone: 255-4165

Reviewed by: Don Dier DJ Phone: 255-2453

Approved by: Dorothy Rice Don Dier So D. Rice Phone: 255-2431

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25, 1997

AGENDA ITEM 15, 16, & 17

ITEM: CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD'S 50% INITIATIVE: STRATEGY #38, STRATEGY
#40 and STRATEGY #41

- A. STRATEGY #38: BAN GREEN WASTE FROM LANDFILL DISPOSAL FOR
CITIES/COUNTIES NOT MEETING 25% AND/OR 50%
- B. STRATEGY #40: EXPAND RESOURCE EFFICIENCY PROMOTION TO
BUSINESS AND INDUSTRY
- C. STRATEGY #41: IMPLEMENT TRANSPORT PACKAGING INITIATIVE

I. SUMMARY

At its January meeting, the California Integrated Waste Management Board (Board) directed each committee to consider selected items from the 50% Initiative staff proposal and present recommended actions to the Board in March. This agenda item will present the brief, relevant background materials developed by staff for presentation to the Policy, Research & Technical Assistance Committee (Committee) for the following 50% Initiative strategies:

- 38. Ban green waste from landfill disposal for cities/counties
not meeting 25% and/or 50%
- 40. Expand resource efficiency promotion to business and industry
- 41. Implement transport packaging initiative

II. COMMITTEE ACTION

At the time this item went to print, the Policy, Research & Technical Assistance Committee had not yet made a recommendation on any of these strategies.

III. OPTIONS FOR THE BOARD

Specific options related to each strategy are found in the attached analyses. In general, the Board may choose to:

1. Approve the Committee recommendation for one or more of the strategies;
2. Modify and approve one or more of the strategies;
3. Refer one or more of the strategies back to Committee for further investigation.

IV. ANALYSIS

A brief staff analysis for each strategy to be considered by the Board follows. Each discussion includes: 1) the concept raised in the 50% initiative process; 2) Board work on the concept to date; 3) relationship of the concept to other Board activities and other work; 4) key issues; 5) future Board work if concept is approved; and 6) strategy options, which include not pursuing the concept further and possible modifications to the concept.

STRATEGY # 38: BAN GREEN WASTE FROM LANDFILL DISPOSAL FOR CITIES/COUNTIES NOT MEETING 25% AND/OR 50%

Concept

This strategy proposes to ban green waste from landfill disposal for cities/counties not meeting their 25% and/or 50% goals. If this strategy is approved, staff would proceed with research to find successful bans to use as models, and initiate a legislative proposal.

A ban would reduce the amount of green waste in the waste stream of jurisdictions not meeting their goals. Since green waste represents, on average, 15% of total waste taken to landfills, the impact would be significant for affected communities that have not already achieved a high level of green waste diversion. Twenty-five states have imposed bans. Green materials affected range from leaves only to all yard waste. Staff have not found any state-level bans that apply to specific jurisdictions, as this strategy suggests.

At approximately 15% of the waste stream, yard waste (grass clippings, tree trimmings, pruning, etc.) is a significant component. This concept imposes yard waste reduction on those cities and counties that do not meet the current IWMA goals, but does not impact those cities and counties which have demonstrated successful diversion. Cities and counties have many options to manage yard waste in a manner other than disposal.

These options range from grasscycling and home composting to large-scale composting and use as Alternative Daily Cover.

Background

With yard waste representing 15% of California's 45 million tons of waste generated per year, a ban would theoretically result in up to a 15% increase in diversion upon implementation in those communities that have not already achieved a high level of green waste diversion. Twenty-five states have implemented some form of legislation banning yard waste disposal. A few states ban leaves only, while the majority address all yard waste. Those states with the most success in implementing yard waste disposal bans can be evaluated for use as models. However, models are expected to be of limited use, as existing state-level jurisdictional bans have not been found.

Assumptions

- Yard waste is a substantial fraction of the waste stream that should be targeted by jurisdictions having difficulty meeting the diversion mandates.
- A ban would be an effective incentive for diverting yard waste.

Work to Date

Staff have researched a variety of sources, including trade press articles, EPA documents and legislative tracking services to determine how many states have imposed bans.

Assessing the general effectiveness of existing bans would take additional research.

Work Required to Implement

Necessary activities would include contacting other states that have such bans to determine the nature of existing legislation and the success rate(s). Cities within these states would also be contacted to determine implementation difficulties, if any. Beyond this, Board staff would likely need to contact all California jurisdictions to determine what yard waste programs exist, and/or may be planned. Additionally, a mechanism to ensure compliance at disposal sites will need to be created.

As a justification for pursuing legislation, staff will need to accurately determine which local jurisdictions are not meeting their goals. However, since compliance is based on both a jurisdiction's "good faith" efforts to implement diversion programs and the numerical diversion rate reached, this needs to be taken into account. This information will be determined two years in arrears. For example, the 1995 compliance determination will occur in 1997, and the Board's 2000 compliance determination will be made in 2002.

Relation to Other Board Activities

A ban could impact the Board's effort to increase the use of urban-derived compost on agricultural land. An immediate and significant increase in green waste available for use could result in higher contamination levels, since higher volumes of material may minimize existing quality control measures. As a result, agriculture users and potential agriculture users, may lose confidence in product quality. A temporary glut of green waste may also negatively affect compost prices.

A ban could increase green waste available for other uses, and may increase the use of green waste as alternative daily cover. A significant increase in available green waste would also create public health and safety concerns with the stockpiling of this material. This will impact the Board's permitting and enforcement program, specifically the emergency regulations being pursued by the Board to address the stockpiling of green waste.

Currently, staff promote grasscycling to the California landscape industry and have developed public private partnerships with several key mower manufacturers, and trade associations. Staff have also partnered with several U. C. Cooperative Extensions to

increase Master Composter training of backyard composters. Several Board publications focusing on various yard waste prevention techniques have been developed and are currently being distributed.

Key Issues

- 1) Formidable time requirement. The earliest that legislation would likely become effective is January 1, 1999. Upon approval, the statute may necessitate revising the planning regulations before being implemented.

Pro: Additional time would allow a thorough job of research, drafting legislation and regulations, as required, and plan implementation.

Con: The effective date will be very close to the year 2000.

- 2) Determination of level of compliance for specific jurisdictions, based on goal achievement.

Pro: As a result of determining which jurisdictions are not on track to meeting their goals, Board staff could assist those jurisdictions.

Con: Disposal from affected jurisdictions may not be easily differentiated. Currently, a one week disposal survey per quarter is required. Due to greater variation in waste flows, especially in smaller jurisdictions, daily reporting of every load may be necessary. Staff will know later this year which jurisdictions made the 25% diversion goal for 1995, and which are on track to achieve the 50% goal for 2000. Verification of which jurisdictions made the 50% goal will occur in 2002.

- 3) Effectiveness of this ban as a compliance alternative to \$10,000 per day fines.

Pro: This penalty directly results in diversion. Local governments are more likely to take action when faced with a certain penalty for non-compliance.

Con: The Board has not initiated legislation that bans any specific materials. Furthermore, AB 939 is clear in that the state tells local jurisdictions what to do, that is 25%

and 50% diversion, but leaves how it is accomplished to the locals.

Another concern is that a ban could result in increased illegal dumping and open burning.

- 4) Administrative difficulties implementing a jurisdictional ban.

Pro: Would not penalize jurisdictions that meet the goals.

Con: Determining the jurisdiction of origin of the green waste would be difficult and expensive.

Fiscal Impacts

Pursing a ban would require 2 to 3 staff over 6 to 12 months, to conduct research, scheduling and hosting workshops for public input, revising the strategy, and preparing and shepherding the legislation. If additional staff is not available to support this effort in the timeframe envisioned, Board programs such as backyard composting and grasscycling would be severely curtailed.

Strategy Options

The Board could choose to::

1. Pursue this strategy. Direct staff to develop proposed legislation banning yard waste statewide. This would be based on a comprehensive review of programs in those states which have effectively implemented similar legislation, and include a Board workshop to discuss banning green waste disposal at landfills for cities and counties not meeting the 25% and/or 50% goals. Finally, staff would report back to the Committee and Board with the progress made implementing this strategy.
2. Not to pursue this strategy.

STRATEGY #40: EXPAND RESOURCE EFFICIENCY PROMOTION TO BUSINESS AND INDUSTRY

Concept

In California, the business sector accounts for over half of the state's waste stream. As local jurisdictions strive to achieve the 50% reduction goal by 2000, increasing attention is focused on reducing waste generated by this sector. Local jurisdictions and CIWMB must focus on the needs of businesses to facilitate voluntary waste reduction. Resource efficiency appeals to the primary interest of business to increase profitability by reducing costs and improving productivity. Resource efficiency also results in decreased waste. This approach will effectively impact the business waste stream.

"Resource efficiency" can be defined as the use of resources (materials, energy, staff, money, etc.) in the most productive, least wasteful manner. Resource efficiency is complimentary to the CIWMB hierarchy because it focuses on preventing waste first.

Business responds to impacts on its bottom line. Fortunately, many, if not most, waste reducing practices improve efficiencies, saving business dollars on resource use as well as disposal costs. Existing efforts to educate business (e.g. Business Waste Reduction Kits) focus on disposal cost savings in order to sway private sector decision makers. Widespread awareness and adoption of waste reducing, resource efficient practices by the sector responsible for more than half of California's waste would have significant impacts on tonnage going for disposal.

There would be some additional cost to the Board to expand existing efforts and little cost to cities and counties. This concept could significantly reduce the waste stream. This concept would not require legislation and is an expansion of existing efforts.

Background

The CIWMB is an important source of information and assistance for the local jurisdictions and the business community. The Business Waste Reduction Kits provide useful information to local jurisdictions and businesses in the form of industry specific fact sheets, guides, and case studies. Since 1994, over 1,000

Business Waste Reduction Kits have been distributed. These materials help educate and motivate businesses to implement waste reduction efforts.

Any suggested changes in business practices must be demonstrated as cost effective. This requires looking beyond the savings from avoided disposal costs and looking "up stream" at savings and benefits associated with resource efficiency (including waste prevention and reuse.)

In order to encourage businesses to change their current practices, it is important to directly appeal to their needs and interests. While the primary interest of the CIWMB is disposal reduction, the primary interest of business is increased profitability, which can be achieved through increased efficiency and productivity.

When waste diversion efforts focus on recovering materials found in the waste stream, opportunities for increasing efficiency are often overlooked. In addition, businesses may view disposal cost avoidance as the only benefit of reducing waste. For many businesses, disposal costs may be minimal compared to other routine costs of doing business.

Resource efficiency presents a more compelling argument to businesses to adjust their current practices to adopt more efficient approaches. The broader perspective of resource efficiency takes a systems view of a business. This results in not only waste reduction, but in more efficient use of a variety of inputs and savings beyond disposal cost avoidance. This is where businesses realize a return-on-investment from their more efficient practices. Such an approach is needed if we are to achieve and sustain the goal of 50% reduction by 2000.

Assumptions

Past efforts to reduce waste have focused primarily on residential waste diversion.

The business sector generates over half of the waste in California.

Addressing the waste generated by the business sector is central to local jurisdictions achieving 50% diversion by 2000.

Waste generated by a business can indicate opportunities to more efficiently utilize resources. Analysis of this waste provides opportunities to improve efficiencies in the purchase, use, handling, and manufacturing of resources.

Work to Date

Current efforts that are conducive to resource efficiency but are not centered around the concept include:

1. The Business Kits and the Office Paper Reduction Project provide industry specific fact sheets, guides and case studies to assist businesses to reduce waste.
2. WRAP Program - The current WRAP application requests information regarding waste prevention which often includes resource efficient practices.
3. C&D - The draft publication "A Technical Manual For Material Choices In Building and Construction" includes a chapter on resourceful building practices.
4. Landscape Waste: The booklet "Keeping Green" provides information to professional landscapers on how to design and manage a waste efficient landscape. Outreach to the landscape industry is conducted through industry trade shows.
5. Buy Recycled - The Model Green Building Project has established a comprehensive integrated solid waste management plan for a multi-tenant office complex. This project addresses procurement, waste prevention reuse and recycling, and focuses on cost savings to the businesses.

Relation to Other Board Activities

As noted above in the discussion of current activities, resource efficiency can be incorporated into programs and activities throughout the CIWMB.

Key Issues

1. Resource Efficiency Defined:

The word efficient is defined as "productive without waste." Resource efficiency can be defined as "using resources productively without waste." Waste refers not only to solid waste but to energy, time, money and other inefficiently utilized resources essential to business and industry production.

2. Other Organizations Promoting Resource Efficiency:

Organizations and individuals in a variety of business sectors already encourage resource efficiency as a way for businesses to be more productive and profitable as well as minimize their impact on the environment. The Future 500 is a network of innovative leaders from business, technology, science, and the environment, who are devoted to achieving a fourfold improvement in productivity. The organizations involved have implemented innovative resource efficient efforts. Through a series of workshops and conferences The Future 500 is working with other businesses to help them implement such efforts.

There are a variety of organizations within the business community that focus on educating businesses about resource efficient practices. Local and regional efforts to assist businesses are expanding throughout California. The CIWMB can benefit from developing and expanding relationships with these organizations.

Resource efficiency expands efforts beyond recycling, which focuses on recovering materials from the waste stream to preventing waste from being generated. The benefits beyond disposal cost are where businesses realize the most cost savings and productivity gains. Changes recently instituted by a variety of organizations are examples of resource efficiency successes.

Pacific Bell: Pacific Bell's decision to switch to two-sided billing is an example of resource efficiency. This change saved them millions of dollars in paper purchasing, printing and postage. Only a small amount of the cost savings resulted from avoided disposal costs.

Coors: Coors has implemented a variety of creative efforts which reduced resource consumption, waste and costs. Increasing

recycled content and downweighting of their aluminum cans has been very cost effective. Coors also developed fertilizer and feed products using their spent grains which had been disposed of in the past. Most importantly, these are valuable profit centers for Coors. Coors own environmental accounting efforts suggest that their source reduction programs often produce returns-on-investment in the 230% range.

Vons: Vons noticed their retail stores disposed of a consistent amount of perishable foods due to expired shelf life. In response, Vons redesigned their ordering process for perishable foods and significantly reduced waste as well as purchasing and shipping costs.

Target: Target strives to be the leader in the discount retailing industry. Target's Vendor Logistics Group works with suppliers to decrease packaging materials, increase recyclability and expand product refills. Changes implemented by the group have reduced shipping costs and significantly reduced packaging waste. California Target stores were WRAP winners in 1995, WRAP Winners of The Year in 1996, and is also a USEPA Waste Wise member.

Hewlett-Packard: A 1996 WRAP of The Year award winner, Hewlett-Packard achieved an aggressive 92.5% reduction in waste generated at their Roseville facility. Their range of activities include reusing packaging, cataloging information electronically, and maintaining a resource efficient landscaping program.

Pacific Bell, Coors, Vons, Target and Hewlett-Packard are a few of the organizations whose success with resource efficiency efforts set an example for other organizations to follow. Businesses are more likely to change their procedures when they see the benefits of such change realized by their peers. To encourage resource efficiency, CIWMB will develop and expand partnerships with businesses to promote their resource efficiency successes to other businesses.

3. Discussion of Options

Option #1: Under this option, staff has identified a number of ideas for expanding the promotion of resource efficiency through existing CIWMB programs, including:

- a. Evaluating and revising business kit materials with resource efficiency as centerpiece.
- b. Broadening Waste Reduction Award Program (WRAP) criteria to include additional credit for resource efficiency activities.
- c. Expanding and establishing partnerships with organizations, including WRAP winners, currently promoting resource efficiency. Encouraging these organizations to share their experiences with their peers at conferences, meetings and trade shows.
- d. Identifying resource efficiency strategies and activities that will generate results within the 3 year time frame (by 2000).
- e. Highlighting resource efficiency efforts which have reduced generation and disposal of paper, organics, and construction and demolition materials (C&D).
- f. Identify and focus assistance efforts on large generators and users of paper, organics and C&D.

Option #2: Under option 2, the elements of option #1, plus a process to establish and expand partnerships with key stakeholders. To incorporate input from the business community and local jurisdictions, the following process can be used:

- a. Clearly define the concept of resource efficiency
- b. Clarify staffs' role in promoting resource efficiency
- c. Identify stakeholders, including business and local government
- d. Meet with stakeholders to establish common ground and facilitate collaboration
 - 1) generate ideas
 - 2) establish common goals
 - 3) clarify roles and responsibilities
- e. Report back to Policy Committee

Collaborative partnerships with regional and statewide business organizations, including those which provide assistance to businesses, are needed to facilitate resource efficiency efforts. Involving key corporate decision makers is critical for effecting a change in business practices. Such an approach also supports the efforts of local governments by providing information and assistance to the business community at a statewide level.

Fiscal Impacts

1. The resources efficiency effort is a logical progression of current business assistance activity which can be initiated with current staffing. However, as we have seen with our yard waste prevention partnerships and the private buy recycled alliances, in order to establish and expand partnerships with the business sector in coordination with local jurisdictions, additional staffing would result in more opportunities. Staff need to concentrate on encouraging and facilitating interaction between businesses who have successfully implemented resource efficiency efforts.
2. Staff need to establish and develop partnerships within the business community. This requires dedicated travel funds to participate in meetings and conferences.
3. Provide sufficient funding for significant revision to business waste reduction kit to incorporate resource efficiency as central message. (Note: The original Business Waste Reduction Kit with components cost \$101,000. Certain savings can be realized through posting information to the Board's web site.)

Strategy Options

The Board could choose to:

1. Direct staff to pursue this strategy by: a) Expanding documentation of business sectors where resource efficiency has been successfully applied; b) incorporating resource efficiency into existing outreach materials; and c) developing a strategy to effectively publicize resource efficiency to other business.
2. Direct staff to pursue this strategy by: a) implementing the elements of option 1, and; b) establishing and expanding partnerships with key corporate decision makers, business

organizations and local jurisdictions to promote resource efficiency.

3. Direct staff not to pursue this strategy.

STRATEGY #41: IMPLEMENT TRANSPORT PACKAGING INITIATIVE

Background: Why focus on transport packaging?

Containers and packaging comprise 31.2% of waste disposed in the U.S. This amount is more than durable goods, non-durable goods, yard trimmings or any other product category according to the U.S. EPA (see attachment 3). Of forty-six categories identified by the U.S. EPA, corrugated cardboard (8% of waste disposed) and wood packaging (5.5% of waste disposed), are two of the top five types of waste disposed¹ (see attachment 2).

Although significant amounts of recycling occurs, particularly of corrugated cardboard, there is potential to reuse, recycle, and/or chip and mulch more corrugated cardboard and wood packaging. Furthermore, technological advances in light-weighting, improved durability, just-in-time inventories, delayed packaging, deregulation in the freight industry, and computer technology allow greater efficiency in the way transport packaging systems operate. Together, increased recycling and efficiency have the potential to save California businesses millions of dollars as well as help local governments divert waste without creating their own programs to deal with packaging materials.

Concept

CIWMB staff propose that stakeholders, working in a process facilitated by the CIWMB, identify effective approaches for keeping packaging out of landfills and methods for educating those who purchase, use, or handle packaging. Staff will report back to the Policy, Research and Technical Assistance Committee with either a draft Transport Packaging Initiative or findings and recommendations, depending on which option the Board prefers.

¹ Characterization of Municipal Solid Waste in the U.S.: 1995 Update, EPA. "Waste disposed" refers to waste after materials and compost recovery. It does not include construction and demolition debris, industrial process wastes or certain other wastes.

The Transport Packaging Initiative relies on a voluntary partnership approach among stakeholders including: packaging designers and educators, packaging manufacturers, packaging customers, retailers, freight companies, trade group representatives, and local governments. It does not propose, nor suggest, the use of any regulations or mandates; businesses are best able to determine what packaging systems will work effectively for them. Likewise, this strategy does not recommend any type of packaging or material over another; educational materials created will present options for others to consider.

The Transport Packaging Initiative will assist local governments in meeting AB 939 mandates. As packaging issues cut across local jurisdictions, it is more effective to address it at a state level, rather than locally.

Assumptions

- After current recycling efforts, transport packaging is more than 13.5% of total disposal;
- U.S. total disposal rates are reflective of total disposal rates in California²; and
- Viable, cost-effective solutions exist to promote waste reduction with proven benefits to business.

Work to Date

November 1996 - Staff began identifying possible stakeholders.

January 1996 to present - Staff collecting information on packaging efficiency.

1991-1995 - The CIWMB embarked on a waste prevention education campaign that included messages about purchasing items that come

² The U.S. EPA estimates that packaging and containers comprise 31.2% of total waste disposal. In California, this is expected to be somewhat less because the CIWMB includes construction and demolition debris in its waste composition data. Some comparisons can be made between similar categories. For example, EPA reports that "corrugated boxes" are 8% of disposal and "paper bags and sacks" are 1.1% of disposal. This compares to CIWMB's category "cardboard and bags," a subcategory of paper, which comprises 8.4% of disposal². Staff chose to use EPA data because they have more categories of waste and this was helpful for analyzing packaging and containers in the waste stream.

with less packaging. Some of the educational materials are still in use.

Relation to Other Board Activities

This initiative would enhance the Waste Prevention & Market Development Division's assistance to local governments and business. It also complements programs to increase the manufacture and purchase of packaging with recycled content. Additionally, the Board developed and currently distributes its Business Waste Reduction Kits that feature several packaging-related components.

Key Issues

1. The CIWMB is not alone in its efforts to decrease the disposal of packaging. Other organizations are educating businesses about how to keep packaging out of landfills. The CIWMB would attempt to build on these efforts, where feasible:
 - American Forest and Paper Association (AF&PA) - Their web site has a National Wood Recycling Directory. Users can type in where they live and obtain information about where to recycle wood locally.
 - Environmental Protection Agency (EPA) - U.S. EPA's voluntary WasteWiSe program encourages more than 500 organizations to source reduce, recycle, and buy-recycled. According to WasteWiSe's *Second-Year Progress Report*, 77 partners saved at least \$59 million, from changes in transport packaging. Consequently, EPA plans to focus on transport packaging in the future.³
 - National Recycling Coalition's (NRC) Source Reduction Forum - Developed educational resources to help businesses and local governments embark on source reduction and reuse programs. Several source reduction options were highlighted in a workshop, with representatives of Xerox, General Motor's Saturn Corporation, and others. They stressed that their source reduced transport packaging decreased costs, protected their products as well or better than the previous

³ Personal communication with Lynda Wynn, EPA WasteWiSe coordinator 2/6/1997.

packaging, decreased labor and handling costs, and increased worker safety.

- Corrugated Packaging Council - Established an 800 telephone number for the public and provides an information packet on recycling corrugated.
 - United State Environmental/Recycling Hotline - A web site where a user can type in his or her zip code, specify a type of material (e.g., corrugated cardboard, glass, office paper, oil), and receive information about where to take reusable and recyclable materials locally.
2. Pooling the resources of the CIWMB and participating stakeholders will cost less than if each acted individually.
 3. Efficient packaging, distribution and shipping systems benefit many companies. As companies shift to more efficient packaging systems, a decrease in packaging waste may occur, which could negatively impact those with contracts requiring specified in-flows of fiber. However, this may be off-set by the increase of available fiber due to additional collection.
 4. Broader communication networks can educate a much wider audience, and better quality educational materials can be created from the expertise in various organizations.
 5. In staff discussions with some stakeholders, there was concern about the CIWMB's definition of transport packaging. Staff recognizes that some types of packaging function both as primary and transport packaging.
 6. This concept would not require legislation and is an expansion of existing efforts to educate businesses about ways to reduce the amount of waste disposed in landfills.
 7. This concept would have some additional cost for the Board to pursue this strategy. To develop the initiative and aggressively promote it to industry and trade associations, redirection of one additional PY plus some funds dedicated from the printing budget will be necessary.

Strategy Options

The Board could choose to:

1. Transport Packaging Initiative. This option would be accomplished by establishing an external advisory group of 15-20 stakeholders to draft the Transport Packaging Initiative, using the following process:
 - Facilitate up to three meetings with stakeholders;
 - Identify effective approaches for improving packaging efficiency, increasing the collection of packaging for recycling, increasing the amount of recycled content in packaging, and increasing the demand for packaging with recycled content;
 - Identify methods for educating those who purchase, use, or handle packaging;
 - Select goals and objectives for the Transport Packaging Initiative; and
 - Draft the Transport Packaging Initiative.

Staff will report back to the Policy, Research and Technical Assistance Committee with a draft Transport Packaging Initiative.

The features that distinguish this option are: 1) A small group of representative stakeholders will shape the strategy. Staff have not determined at this time how this group would be selected; 2) It potentially offers the greatest time for implementation; and, 3) Staff report back to the Committee with a draft Transport Packaging Initiative, rather than findings and recommendations.

In addition to Option 1 that was included in the January 23, 1997 50% Initiative item, two additional options were developed as a result of staff discussion with some key stakeholders.

2. Shipping & Distribution Partnership. This option directs staff to facilitate an open meeting of all interested stakeholders to:
 - Identify effective approaches for improving shipping and distribution efficiency which will result in less packaging going to landfills;

- Identify methods for educating those who utilize shipping and distribution systems;
- Identify next steps, including suggestions for how the CIWMB can facilitate an ongoing process with stakeholders.

Staff will report back to the Policy, Research and Technical Assistance Committee with findings and recommendations.

The features that distinguish this option are: 1) It uses an open process for collecting information; 2) It broadens the focus from packaging efficiency to include shipping and distribution efficiency; and 3) Staff report back findings and recommendations rather than a draft Transport Packaging Initiative.

3. Element of Strategy #40, Promote Resource Efficiency. This option directs staff to facilitate meetings with stakeholders as part of a larger process that focuses on resource efficiency using a process outlined in Option 2. Staff report back to the Policy, Research and Technical Assistance Committee with findings and recommendations for improving resource efficiency, including packaging.

The feature that distinguishes this option is that it uses the process of a broader strategy, resource efficiency. Otherwise, it is much like option two. This could result in greater amounts of prevented waste, but requires more time to optimize.

4. Not pursue this strategy.

V. ATTACHMENTS

Attachment 1: List of States Imposing Yard Waste Bans
Attachment 2: Discards of Municipal Solid Waste, 1994
Attachment 3: Products discarded in the U.S., 1994
Attachment 4: Resolution 97-98

VI. APPROVALS

Prepared By: P. Hyson/T. Cronin/K. Frevert Phone: 255-2354

Reviewed By: Tom Estes Phone: 255-2445

Reviewed By: William R. Orr Phone: 255-2490

Reviewed By: Caren Trgovcich Phone: 255-2320

Reviewed By: Judith J. Friedman Phone: 255-2376

Reviewed By: Dorothy Rice Phone: 255-2431

Reviewed By: Susan Pedersen Phone: 255-2171

Legal Review/Approval: N/A Date/Time: _____

Yardwaste Material Bans Listed By State

| State | Yard Material Type |
|----------------|----------------------|
| Arkansas | all |
| Connecticut | grass clippings only |
| Florida | all |
| Georgia | all |
| Illinois | all |
| Indiana | leaves & brush only |
| Iowa | all |
| Maine | all |
| Maryland | all |
| Massachusetts | all |
| Michigan | all |
| Minnesota | all |
| Missouri | all |
| Nebraska | all |
| New Hampshire | all |
| New Jersey | leaves only |
| North Carolina | all |
| Ohio | all |
| Oregon | all |
| Pennsylvania | leaves & brush only |
| South Carolina | all |
| South Dakota | all |
| Virginia | leaves only |
| West Virginia | all |
| Wisconsin | all |

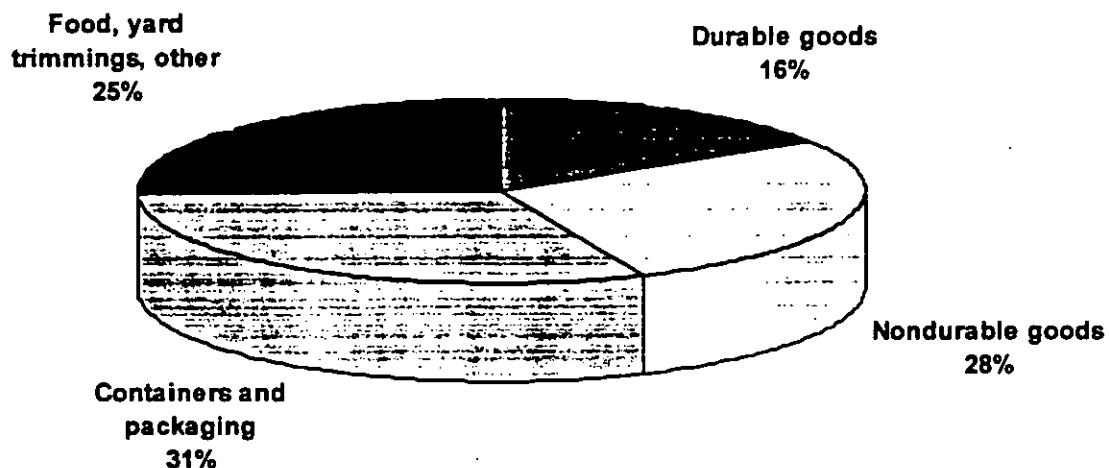
Sources: STATE RECYCLING LAWS UPDATE Year-End 1996, Raymond Communications Inc.
The State of Waste, BioCycle, May 1996

Attachment 2: DISCARDS OF MUNICIPAL SOLID WASTE, 1994
ARRANGED IN DESCENDING ORDER BY WEIGHT⁵
(In thousands of tons)

| | Thousand tons | Percent of total | Percent subtotals |
|---|------------------|---------------------|----------------------|
| Components comprising > 10% of total MSW discards | | | |
| Yard trimmings | 23,600 | 14.8% | <u>14.8%</u> |
| Components comprising 3-10% of total MSW discards | | | |
| Food wastes | 13,590 | 8.5% | |
| Corrugated boxes | 12,710 | 8.0% | |
| Miscellaneous durables | 10,240 | 6.4% | |
| Wood packaging | 8,780 | 5.5% | |
| Furniture and furnishings | 7,510 | 4.7% | |
| Newspapers | 7,410 | 4.6% | |
| Other commercial printing | 5,650 | 3.5% | <u>41.2%</u> |
| Components comprising 2-3% of total MSW discards | | | |
| Other nonpackaging paper | 4,480 | 2.8% | |
| Paper folding cartons | 4,180 | 2.6% | |
| Glass food & other bottles | 4,010 | 2.5% | |
| Clothing and footwear | 3,940 | 2.5% | |
| Office-type papers | 3,880 | 2.4% | |
| Third class mail | 3,790 | 2.4% | |
| Glass beer & soft drink bottles | 3,600 | 2.3% | |
| Miscellaneous nondurables | 3,400 | 2.1% | |
| Rubber tires | 3,130 | 2.0% | <u>21.5%</u> |
| Components comprising 1-2% of total MSW discards | | | |
| Miscellaneous inorganic wastes | 3,100 | 1.9% | |
| Disposable diapers | 2,980 | 1.9% | |
| Tissue paper and towels | 2,860 | 1.8% | |
| Other plastic packaging | 2,540 | 1.6% | |
| Carpets and rugs | 2,310 | 1.4% | |
| Plastic wraps | 2,050 | 1.3% | |
| Plastic other containers | 1,920 | 1.2% | |
| Paper bags and sacks | 1,820 | 1.1% | |
| Plastic bags and sacks | 1,550 | 1.0% | <u>13.2%</u> |
| Components comprising < 1% of total MSW discards | | | |
| Steel cans and other packaging | 1,510 | 0.9% | |
| Magazines | 1,510 | 0.9% | |
| Major appliances | 1,460 | 0.9% | |
| Glass wine & liquor bottles | 1,350 | 0.8% | |
| Other paper packaging | 1,110 | 0.7% | |
| Aluminum cans and other packaging | 940 | 0.6% | |
| Books | 920 | 0.6% | |
| Trash bags | 910 | 0.6% | |
| Paper plates and cups | 870 | 0.5% | |
| Small appliances | 750 | 0.5% | |
| Towels, sheets, and pillowcases | 640 | 0.4% | |
| Paper milk cartons | 520 | 0.3% | |
| Telephone directories | 420 | 0.3% | |
| Plastic plates and cups | 420 | 0.3% | |
| Plastic milk bottles | 400 | 0.3% | |
| Plastic soft drink bottles | 320 | 0.2% | |
| Other paperboard packaging | 300 | 0.2% | |
| Other miscellaneous packaging | 180 | 0.1% | |
| Lead-acid batteries | 110 | 0.1% | |
| Paper wraps | 90 | 0.1% | <u>9.2%</u> |
| Total MSW Discards | 159,760 | 100.0% | 100.0% |

⁵ Source: *Characterization of Municipal Solid Waste in the U.S.: 1995 Update*, U.S. EPA, page 123.

Products discarded in U.S., 1994



Source: *Characterization of Municipal Solid Waste in the U.S.: 1995 Update*, EPA. "Waste disposed" refers to waste after materials and compost recovery. It does not include construction and demolition debris, industrial process wastes or certain other wastes.

Note: Information for 1995 unavailable at this time.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 97-98

CONSIDERATION OF THE GETTING TO 50% INITIATIVE CONCEPTS ASSIGNED
TO THE POLICY, RESEARCH AND TECHNICAL ASSISTANCE COMMITTEE

WHEREAS, to facilitate meeting the 50% diversion requirement of the Integrated Waste Management Act (Act), the Board sought input from cities and counties, the public and private waste management and recycling industry, manufacturers, environmental groups, the public and its own staff on the issues associated with reaching the goal, potential solutions to obstacles and the Board's role in achieving 50% diversion; and

WHEREAS, a Board staff team was assigned to evaluate the nearly 1,000 suggestions received; and

WHEREAS, each concept was evaluated for: additional costs to the Board and others; diversion potential; demonstrated success and time to optimize the impact on the waste stream; and sphere of influence; and

WHEREAS, similar suggestions were combined into 44 "Concepts" and presented to the Board at its January, 1997 meeting; and

WHEREAS, the Board assigned the following Concepts to the Policy, Research and Technical Assistance Committee for additional public comment at its March, 1997 meeting:

Strategy #38: Ban green waste from landfill disposal for cities/counties not meeting 25% and/or 50%.

Strategy #40: Expand resource efficiency promotion to business and industry.

Strategy #41: Implement transport packaging initiative.

NOW, THEREFORE, BE IT RESOLVED that, following Board consideration, staff will pursue the adopted strategies for full implementation.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 25, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25 & 26, 1997

AGENDA ITEM 18

ITEM: CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #14 AND STRATEGY #15: REQUIRE CHARGING OR DISCLOSING TRUE COSTS OF DISPOSAL

I. SUMMARY

Concepts 14 and 15 from the Board's 50% initiative would require all landfills to charge (concept 14) or disclose (concept 15) the true, unsubsidized cost of landfill disposal.

Requiring local jurisdictions to charge or disclose the true costs of landfilling could result in increased diversion and recycling rates. However, these actions would require considerable effort with uncertain benefits and could be construed as government interference with local government/private business.

The primary objective of this item is to obtain public input on the issues that would arise by charging or disclosing the true costs of landfilling, including the public's view of any potential benefits or unintended consequences that might result from implementing either of these concepts. Although the Board held public workshops on the 50% Initiative, comments and suggestions received were general in nature. Through this discussion, we hope to obtain more detailed input related to these two specific concepts, which would guide the Board in determining whether to pursue either of these two strategies further.

II. PREVIOUS COMMITTEE ACTION

At the time this item went to print, the Policy, Research and Technical Assistance Committee had not yet made a recommendation on this item.

III. OPTIONS FOR THE BOARD

Board members may wish to:

1. Conclude discussion on this issue based upon public input received during the Board meeting.
2. Direct staff to further examine and provide information on benefits and consequences of disclosing or charging the true costs of disposal.
3. Direct staff to further examine and provide information on benefits and consequences of any or all of the 3 strategies outlined under *Other Strategy Options*.

IV. STAFF RECOMMENDATION

More public input on the benefits and potential effects of implementing these concepts is needed before a recommendation can be made.

V. ANALYSIS

As discussed in the development of the 50% initiative agenda item, concepts 14 and 15 were intended to focus only on the conventional true costs of landfill disposal and not on the environmental costs. Conventional costs include items such as land costs and closure costs, as opposed to costs such as increased traffic or air pollution, which would be environmental costs. The suggestions and comments received during the 50% Initiative process did not specifically include environmental costs; however, quantifying environmental costs for the purpose of including those costs as a component of disposal fees would be extremely complex, and therefore is not included as part of these strategies.

Concept 14

14. Require all landfills to charge the true, unsubsidized cost of landfill disposal.

This concept would require that landfills charge rates reflective of their true, unsubsidized disposal costs. In many cities and counties the true cost of landfill disposal is subsidized, or is not fully paid by waste generators. If the true costs were paid up front, alternatives such as recycling could be more attractive. If this requirement were coupled with unit

pricing systems, the incentive for generators to reduce or recycle could be significantly enhanced.

While this approach would be controversial and possibly difficult to enforce, it has one of the highest diversion potentials in the category of funding and financial incentives.

This concept would be a new program for the Board and would require legislation.

Concept 15

15. Require all landfills to disclose the true, unsubsidized cost of landfill disposal.

This concept is very similar to concept 14, above. This concept is less stringent since it requires disclosure of true costs of disposal, but does not require landfills to charge the true disposal costs.

As an alternative to concept 14 above, merely requiring the disclosure of true landfilling costs could improve the attractiveness of reduction and recycling programs. The true value of these programs could become more evident and could counter some arguments that they are too expensive.

This approach would not be as controversial as concept 14 above, but would also have less impact on diversion.

This concept would be a new program for the Board and would require legislation.

Board Work on Concepts to Date

In 1990, the California Integrated Waste Management Board (Board) contracted with Tellus Institute to provide a disposal cost fee report, as required by PRC 40600. The contract resulted in the "Disposal Cost Fee Study, Final Report," which was submitted to the Board in February, 1991. This report was primarily aimed at implementing an advance disposal fee for consumers, but it also made the point that consumption patterns could be changed if the public was required to pay the actual cost of disposal. The Tellus study focused on the eastern United States and did not include specific information on California.

Relationship to Other Board Activities and Other Work

Board staff have been providing technical assistance in the area of Full Cost Accounting (FCA), when requested by local jurisdictions. FCA is a method of accounting for all monetary costs of resources used or committed in any given area and could be used to determine the true cost of disposal. The benefits of implementing Full Cost Accounting include that it allows the user to identify the actual cost of MSW management; to explain MSW management costs to citizens more clearly; to set rates/tipping fees and defend budget requests; and to evaluate program options and alternatives. Because of the potential benefits, the U.S. EPA has recently been promoting FCA as a method to help local jurisdictions determine their actual municipal solid waste costs and consequently held a satellite videoconference in September 1996. Staff attended this videoconference to get more information on FCA which could be used to assist local jurisdictions further.

Another activity that could contribute to determining the true cost of disposal is the maintenance of closure/postclosure coverage. Owners/operators of solid waste landfills are required to determine closure/postclosure maintenance costs and to demonstrate to the Board their ability to provide for those costs. They are also required to provide operating liability coverage. These legislatively mandated activities would not be affected by concepts 14 and 15; however, the information developed from these activities could be used in determining true landfill disposal costs.

Key Issues

In its further consideration of this item, the Board may wish to solicit clarifying comments and input from the public in the following key issue areas as they impact the decision to implement either of these concepts. More detailed input will serve to guide the Board's decision on whether to request that staff further develop an approach to implementing these strategies.

- ◆ Determining how tip fees are currently calculated.
- ◆ Quantifying the elements of the tip fee. (i.e. breakout state fee, overhead, landfill closure costs, etc.) Determining if this could be done consistently throughout the state.

- ♦ Ascertaining true costs of landfilling, with little data currently available to staff.
- ♦ Determining benefits from charging/disclosing the true costs of disposal.
- ♦ Ascertaining how the affected industry would view a requirement to provide true cost information
- ♦ Determining the effect true cost disclosure has on local jurisdictions, especially with regard to the recent passage of Proposition 218 and its impact on the way local jurisdictions view or utilize solid waste fees.
- ♦ Evaluating how charging/disclosing the true costs of landfill disposal will affect the solid waste disposal industry.
- ♦ Determining if these concepts could undercut or negatively impact existing Board mandates.
- ♦ Evaluating this project for cost effective use of resources. It could be very labor intensive for the Board as well as for local jurisdictions and industry.
- ♦ Obtaining support from local government decision makers, who are typically not in favor of state government telling them how to operate their jurisdictions. Several local jurisdictions have recognized the value of Full Cost Accounting and have either begun to use it, or considering converting to it.
- ♦ Obtaining support from landfill operators, who are typically not in favor of state government telling them how to operate their landfills. Charging the true cost of disposal could cause them to lose business to other landfills (possibly out-of-state) that have lower costs or that are being subsidized. Conversely, operators may also have an interest in disclosing cost associated with solid waste mandates as a way to justify costs to consumers.

- ◆ Independent waste haulers generally dispose of waste collected at the most cost effective location which may be out of the local jurisdiction or out-of-state.
- ◆ Obtaining support from residential waste generators could be resistant to being charged the true cost of landfill disposal, even if they are subsidizing it through other taxes, because they may perceive free/cheap disposal of waste as a right and often do not realize that they are paying for it through other fees or taxes.

Future Work if Board Approves the Concepts

The major tasks and staff time required to implement a requirement to either charge or disclose the true costs of landfilling would include:

- ◆ Obtaining detailed input from external customers on how best to implement these concepts: 2 staff for 2 months
- ◆ Research and prepare legislative language: 2 staff for 2 months
- ◆ Prepare regulations to clarify legislative language: 1 staff for 10 months
- ◆ Implement reporting and monitoring procedures: 1 staff for 5-6 months
- ◆ Ongoing monitoring of program: 1 staff as needed

Other Strategy Options

- ◆ Educate local jurisdictions/landfill operators about full cost accounting
- ◆ Actively promote and encourage landfills/local governments to charge and/or disclose the true, unsubsidized cost of landfill disposal. Actively promote the use of Full Cost Accounting.
- ◆ Direct staff to determine the true, unsubsidized cost of landfill disposal and then make the data available to the public.

VII. APPROVALS

Prepared By: Maureen Goodall *MG* Phone: 255-2422

Reviewed By: Rubia Packard *RP* Phone: 255-2650

Reviewed By: Susan Pedersen *SP* Phone: 255-2171

Reviewed By: Judy Friedman *JF* Phone: 255-2376

Reviewed By: Marie LaVergne *DTM* Phone: 255-2269

Legal Review _____ Phone: _____

California Integrated Waste Management Board
Resolution No. 97-113
March 25, 1997

Adoption of 50% Initiative Strategy # 14 and Strategy # 15:
Require Charging or Disclosing True Costs of Disposal

WHEREAS, to facilitate meeting the 50% diversion requirement of the Integrated Waste Management Act (IWMA), the Board sought input from cities and counties, the public and private waste management and recycling industry, manufacturers, environmental groups, the public and its own staff on the issues associated with reaching the 50% goal, potential obstacles, and the Board's role in achieving 50% diversion; and

WHEREAS, a team of Board staff evaluated all of the suggestions received from internal and external sources and provided the Board with a list of recommended strategies to be further explored; and

WHEREAS, at the January 23, 1997 Board meeting, the Board requested that its Committees further evaluate the strategies and develop recommendations for whether and when to pursue the strategies at each Committee's March meeting;

NOW, THEREFORE, BE IT RESOLVED, that after Board consideration, the Board will determine whether to pursue options relating to these strategies for requiring all landfills to disclose and charge the true, unsubsidized cost of landfill disposal.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the Board held on March 25 - 26, 1997.

Dated: _____

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25-26 1997

AGENDA ITEM 19

ITEM: CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #12, STRATEGY #13, AND STRATEGY #39: PROMOTE OR REQUIRE UNIT PRICING FOR CITIES AND COUNTIES

I. SUMMARY

At its January 23, 1997 meeting, the CIWMB discussed the recommendations of the "Getting to 50% Initiative" and directed that their implementation be discussed in more detail by the Board's various committees. The recommendations concerning the Board's policies and activities relating to encouraging unit pricing were referred to the Policy, Research and Technical Assistance Committee. These recommendations are now being presented for the Board's consideration.

Unit pricing, or variable rate pricing, or pay-as-you-throw pricing (see descriptions on page 3 of the attachment) of solid waste collection is one of the most effective means of increasing waste diversion and enhancing recycling programs. Unit pricing, in conjunction with recycling programs, has been very successful in many communities throughout the United States and Canada.

The "Getting to 50% Initiative" recommended both an educational/advocacy approach as well as a regulatory approach to increase the utilization of unit pricing in California.

Advocacy

#12. More actively promote unit pricing among cities and counties.

Regulatory

#13. Require cities/counties to implement unit pricing structures that provide incentive for waste diversion.

#39. Require unit pricing for cities and counties not meeting 25% and/or 50%.

The CIWMB has educated communities through workshops and solid waste management conferences. This approach, however, primarily reaches solid waste managers and haulers who are already aware of and generally supportive of pay-as-you-throw pricing. However, they ultimately are not the ones who will make the decision to adopt unit pricing.

Additional outreach efforts are needed to focus on local decision makers. New efforts should focus on local elected and appointed officials, particularly those in communities that still do not provide meaningful incentives for waste reduction and diversion.

A regulatory approach, in contrast, would have a greater likelihood of having a significant impact. It would, however, require legislation. Before deciding to pursue a regulatory requirements to promote unit pricing, the Board should gather more information on the use of unit pricing in California.

II. PREVIOUS COMMITTEE ACTION

The agenda item is being heard on March 18, 1997 by the Policy, Research and Technical Assistance Committee. The Board last took action on unit pricing when it approved its manual, "Unit Pricing Systems," in 1993.

III. OPTIONS FOR THE BOARD

Board members may decide to:

1. implement one or more of the 50% Initiative recommendations.
2. give staff other directions.
3. take no action at this time.

IV. STAFF RECOMMENDATIONS

Staff recommends that the Board implement recommendation #12 "More actively promote unit pricing among cities and counties" and direct staff to gather and present information in the future in order for the Board to consider recommendations #13 and #39.

V. ANALYSIS

1. UNIT PRICING WORKS

Unit pricing, if implemented properly, with rates that provide real incentives, is a proven effective means of increasing waste diversion and ensuring the success of local recycling programs. It is also a truly effective strategy to promote source reduction, the top the waste management hierarchy.

Over 1,000 communities throughout the United States and Canada utilize some form of unit pricing. Unit Pricing, in combination with recycling programs, has been dramatically successful in a wide variety of communities. For example:¹

¹These results are from 1993 when the CIWMB's manual "Unit Pricing Systems" was completed.

Santa Monica, California, population 87,000, implemented a variable can system in April, 1992 and reported a 32 percent decrease in residential tonnage disposed, as well as a 13 percent increase in recycling.

Quincy, Illinois, population 40,000, requires customers to place a payment sticker on each unit of refuse set at the curb. Quincy reported a 20 percent decrease in disposal tonnages (200 fewer tons per month), and a 50 percent increase in recycling program tonnages.

Capital Regional District (Victoria), British Columbia, population 200,000, each offering collection of 100 liters of refuse per week funded through property taxes. Additional refuse must be accompanied by a pre-paid garbage tag/sticker. As of 1993, the Regional District was diverting 34 percent of its waste stream, on its way to a goal of 50 percent diversion by the year 2000.

Seattle, Washington, population 500,000, has a variable can billing system for refuse. Even before Seattle's curbside recycling program was implemented in 1987, variable rates helped inspire residents to recycle 24 percent of the city's residential waste stream. Thirty percent of Seattle's waste stream was diverted in 1988, and 40 percent was recycled in 1991.

| UNIT PRICING IMPACTS ² | | | |
|-----------------------------------|--------------|--|----------------|
| Community | UPS System | Diversion Impact | Local Tip Fees |
| Antigo, Wisconsin | Sticker | <u>1989 - 1991</u> Waste - 48% Recycling +216% | \$50/ton |
| Aurora, Illinois | Sticker | <u>1991-1992</u> Waste - 40% | \$9.25/ton |
| Darien, Illinois | Sticker | <u>1991-1992</u> Waste - 60% | \$ 9.15/ton |
| Glen Ellyn, Illinois | Hybrid | <u>1989 - 1991</u> Waste - 40% | Unk |
| Northfield, Minnesota | Hybrid | <u>1990-1992</u> Waste - 29% | Unk |
| Quincy, Illinois | Sticker | <u>1990-1992</u> Waste - 20% Recycling + 50% | \$ 29/ton |
| Santa Monica, California | Variable Can | <u>1991-1992</u> Waste - 32% Recycling + 13% | \$ 17/ton |
| Seattle, Washington | Variable Can | <u>1980 - 1991</u> Waste - 19% | \$ 43.97/ton |
| St. Cloud, Minnesota | Bag | <u>1990-1992</u> Waste - 39% Recycling +122% | \$ 96/ton |

Three states have enacted requirements for all communities to use unit pricing; Wisconsin, Minnesota and Washington.

2. THE BOARD COULD APPEAL TO DECISION MAKERS

Since 1993, the CIWMB has widely distributed a unit pricing educational manual to local communities (see attachment 2 for an excerpt), held a number of workshops throughout California, and has hosted several breakout sessions at solid waste management conferences. These events conveyed both the benefits of unit pricing and provided implementation advice gleaned from other communities. They were, though, attended almost exclusively by local solid waste managers and solid waste haulers. Most of these participants were generally supportive of, or active promoters of, pay-as-you-throw pricing. However, they ultimately are not the ones who will make the decision to

²Source: "Unit Pricing Systems", CIWMB, 1993.

adopt unit pricing. Their proposals must meet a sympathetic audience among the local political leadership.

At this point, to spur greater consideration and adoption of pay-as-you-throw pricing in California, additional outreach efforts should focus on local elected and appointed officials. Particularly those in communities that still do not provide meaningful incentives for waste prevention and diversion.

3. MORE INFORMATION IS NEEDED

The Board's efforts in this area to date have focused on gathering essentially anecdotal information to assist local jurisdictions implement unit pricing. It was gathered and presented (1) to educate those unfamiliar with the subject and (2) to provide an information base on the nature and experiences of established programs.

The Board has not performed a systematic analysis of the use and impact of unit pricing in California. Previous surveys indicate that there have been significant impacts on the waste stream in several California communities including Pasadena, Lodi and Glendale. What is not known is how prevalent unit pricing is throughout the state. Before deciding to pursue legislation to enact unit pricing regulatory requirements (recommendations #13 and #39), the Board should gather more information on the use of unit pricing in California. Some of the questions that should be answered include:

- a. How many communities use pay-as-you-throw pricing?
- b. What type of system and fee structures are used?
- c. What impact on the waste stream has it had?
- d. What problems have been associated with its adoption?

4. "GETTING TO 50% INITIATIVE" RECOMMENDATIONS

Education/Advocacy Approach

#12. More actively promote unit pricing among cities and counties.

This approach would entail a more active effort by the Board to promote unit pricing to local governments. New outreach efforts should focus on local elected and appointed officials, particularly those in communities that still do not provide meaningful incentives for waste prevention and diversion. A dedicated advocate could be used to educate city and county decision-makers directly about unit pricing. An advocate could provide information and make

presentations to governing bodies and individual decision makers, such as mayors, supervisors, city managers and county administrative officers. This advocate could participate in conferences and make direct contact with officials, boards of supervisors and city councils. Since it is important to coordinate this outreach with local contracting and rate-setting processes, an advocate would also solicit the assistance of solid waste management associations to identify and schedule communities for outreach.

Potential outreach activities include:

- a. Working with recycling and solid waste management organizations to identify likely targets of outreach.
- b. Calling, writing to and making presentations before city councils and boards of supervisors.
- c. Hosting educational sessions and informational booths at conferences, such as those of the League of California Cities and the California Supervisors Association Council.
- d. Developing presentation materials (letters, speeches, visual aids) building off the tools the CIWMB and the U.S. EPA have already developed.
- e. Enhance the local presentations made by the CIWMB to emphasize the benefits of unit pricing.

■ Advantages:

More actively promoting unit pricing does not require legislation and can thus be carried out merely by assigning Board staff to this function. It can thus be implemented and have an impact more quickly than the regulatory approaches.

This approach would not create a universal requirement and as a result leaves the evaluation of the appropriateness of adopting unit pricing to local jurisdictions and avoids the need for compliance reporting and enforcement efforts.

● Disadvantages:

With this approach there would be less certainty that jurisdictions would move to unit pricing, which would make its impact less certain than the other recommendations.

Regulatory Approaches

The regulatory approaches, if implemented, would have the greatest assurance of having a significant impact. They

would, however, require legislation which means that there is no assurance that they would be implemented or be implemented in time to impact local efforts to attain the 50 percent diversion goals. This legislation would also likely receive close scrutiny by local governments, and waste haulers.

Since there are circumstances faced by some communities that make unit pricing impractical, any such requirement would need to allow for exceptions. The need to accept and consider applications for exceptions would delay local implementation and reduce the number of communities the requirement would affect. It could also cause additional work for Board staff and local jurisdictions applying for an exception.

A variety of factors must be considered when evaluating the suitability of unit pricing for a community. Some of these include:

- a. The jurisdiction's current success in meeting the state's, and its own, waste management and diversion goals is important.
- b. Since most communities already have a waste management system in place, and in many cases, an integrated one, its suitability to volume based pricing must be evaluated.
- c. A pricing structure that stimulates the generation of recyclable materials must be accompanied by adequate market demand for those materials.
- d. A community's current and future disposal options are important. If plentiful, affordable disposal capacity is available, the potential costs of a unit pricing system may outweigh the benefits.
- e. Various features of a community can affect the difficulty and cost of implementing a pay-as-you-throw system. In some cases these costs could be prohibitive.

#13. Require cities/counties to implement unit pricing structures that provide incentive for waste diversion.

With this approach, legislation would be pursued that would require all jurisdictions to utilize pricing arrangements for solid waste collection that provided a significant incentive for waste generators to minimize their waste stream.

■ Advantages:

If implemented, requiring universal adoption of unit pricing would have the most significant and immediate impact.

● Disadvantages:

Jurisdictions that have, or will, reach the IWM waste diversions goals would also need to implement unit pricing.

#39. Require unit pricing for cities and counties not meeting 25% and/or 50%.

With this approach, legislation would be pursued that would require those jurisdictions who did not meet the IWM diversion goals to utilize unit or volume based pricing for solid waste collection. Some further specifications of this requirement would be needed.

- ☐ Would this requirement apply just to the 2000 goal or to the 1995 goal as well?
- ☐ Would failure to meet the numerical goals alone cause the requirement to be enforced or would implementing appropriate programs avert it?
- ☐ Would the requirement be applied to jurisdictions that have been allowed to meet lesser goals?

■ Advantages:

Facing a potential requirement to implement unit pricing would provide an additional incentive for local jurisdictions to attain the IWM diversion goals.

If this approach were only applied to the year 2000 50% goal, it would not be enforced until 2002 or later which would allow additional lead time for local jurisdictions.

● Disadvantages:

This requirement would be applied only to jurisdictions who did not reach the 50% goal (or who received approval to meet reduced goals). This could be exceptionally burdensome to some of these jurisdictions. It is also possible that few jurisdictions will fail to meet their goals.

5. A COMBINED APPROACH

Rather than deciding which approach(es) to adopt or abandon at this time, the Board can also choose to implement the advocacy approach while considering the regulatory one in the future. The Board can begin now to actively promote unit pricing while

investigating the feasibility of the regulatory requirements. There will still be some time to pursue legislation, especially for a requirement applied to the year 2000 goal. Additional research could be conducted in the near future to assess the costs and benefits of a regulatory approach. In addition to the information discussed in 3. above, other factors to consider include:

- a. The number of jurisdictions that may be impacted by regulations (that have not met the 1995 IWM diversion goal and potentially won't meet the 2000 goal).
- b. The potential response of jurisdictions that may be affected by such a requirement if it were enacted.
- c. The state's overall success in meeting the IWM diversion goals.

VI. ATTACHMENTS

Pay-As-You-Throw Fact Sheet.

VII. APPROVALS

| | | |
|---------------|--|-----------------|
| Reviewed by: | <u>Dennis Meyers</u> <i>DJM</i> | Phone: 255-2242 |
| Reviewed by: | <u>Rick Beard</u> <i>RB</i> | Phone: 255-2710 |
| Reviewed by: | <u>Marie Laverne</u> <i>M Laverne</i> 3/14 | Phone: 255-2269 |
| Reviewed by: | _____ | Phone: _____ |
| Reviewed by: | _____ | Phone: _____ |
| Reviewed by: | _____ | Phone: _____ |
| Legal review: | _____ | Phone: _____ |



INTEGRATED
WASTE
MANAGEMENT
BOARD

PAY AS YOU THROW

UNIT PRICING FOR SOLID WASTE

WHAT IS UNIT PRICING?

The name "Unit Pricing" may not be familiar; however the concept certainly is. Unit Pricing — pricing per unit — is the basic pricing system we face every day for almost everything we buy: dollars per gallon of gasoline, per loaf of bread, per overnight video rental, per kilowatt hour of electricity, or per cubic foot of water. In fact, prices that are not set by the unit are the exception, rather than the rule: all-you-can-eat pizza buffets, copier service agreements, and government services such as police and fire protection.

Municipal solid waste service (household garbage disposal) has traditionally been funded through taxes or flat rate billing. This pricing scheme creates the same incentive as the all-you-can-eat pizza buffet: the smart economic move is to eat — or throw away — all you can, because the more you get for a fixed price, the better deal you're getting. All-you-can-dump solid waste pricing has played a significant part in creating the national solid waste crisis, exemplified by disappearing landfill capacity, rising disposal costs, limited use of recycling programs, and the attitude that unlimited waste service is a right.

Therefore, Unit Pricing for solid-waste disposal means charging a fee for each unit disposed. The unit may be measured by the bag, by the can, or by the pound.

WHAT ARE THE BENEFITS OF UNIT PRICING?

Although the transition to a Unit Pricing system can be difficult for agencies accustomed to flat rate billing, Unit Pricing can make a profound change that leads to a variety of benefits. Most importantly, it creates the connection between each customer's cost and disposal habits, and provides an incentive for customers to make smarter choices in how they handle their own waste.

All Unit Pricing systems offer important advantages for both the solid waste agencies and their customers:

- **Increased awareness of solid waste costs.** Traditionally, true solid waste operational costs have been obscured from the consumer by being lumped into one general tax bill that covers many public services. Unit Pricing makes customers aware of the cost of the waste services they use, and reinforces that awareness every time a customer pays a garbage bill or buys a pre-paid garbage bag or tag/sticker.
- **Incentive to reduce waste.** When customers have to pay more for each can or bag disposed, they are likely to think twice before purchasing excessively packaged products at the store, or throwing old lettuce into the trash instead of the compost pile.
- **Incentive to recycle.** If throwing away is more expensive because the

8800 CAL CENTER DRIVE
SACRAMENTO, CA 95826

FOR MORE INFORMATION
ABOUT THIS SERIES,
CONTACT THE CALIFORNIA
INTEGRATED WASTE
MANAGEMENT BOARD AT
916.255.2200
OR THE CIWMB WASTE
INFORMATION SERVICE AT
800.553.2962.

true costs of disposal are accounted for, recycling becomes a more economically beneficial option. This financial incentive can help increase use of recycling programs, and can reduce total waste management system costs.

- **Reduced dependence on landfills or incinerators.** Unit Pricing will reduce tonnage going to landfills or incinerators. Therefore, the need for expansion of landfills is postponed.

- **Stabilized system costs.** Final disposal is often the most unstable, and sometimes the most expensive, component of solid waste system cost. The incentives created by Unit Pricing by reducing the impact of landfill costs can help stabilize total waste management system costs.

- **Equity among customers.** Flat-rate billing and taxes make no distinction between high- and low-level disposers. With Unit Pricing, customers are charged according to the amount of waste they dispose.

- **Help in meeting legislated diversion goals.** The State of California, as well as other states and counties across the country, has mandated recycling or disposal reduction goals for communities within its jurisdiction. Unit Pricing systems can create incentives that encourage customers to change their disposal habits to help meet these goals.

HOW DO UNIT PRICING SYSTEMS WORK?

The term "Unit Pricing" does not refer to a particular pricing system, but rather describes any funding system that charges customers according to the amount of waste disposed. Virtually all current Unit Pricing systems can be classified by one of the five types described below. Additionally, minor design elements within each system can be tailored to meet a community's unique solid waste goals.



VARIABLE CAN Customers "subscribe" to a set number and/or varying sizes of cans per collection week. Alternatively, waste collectors can record weekly setouts in a route book and bill the customer accordingly. Service is purchased on a per-can basis.



BAG All refuse set out for collection must be contained in specially marked garbage bags (usually marked with the city logo). Bags are sold at a price that includes some or all of the cost of providing refuse collection and management service. Service is purchased on a per-bag basis.



TAG/STICKER Each container (bag or can) of refuse set out for collection must have an official tag/sticker on it (possibly marked with the city logo). Tags/stickers are sold at a price that includes some or all of the cost of providing refuse collection and management service. Service is purchased on a per-tag/sticker basis.



WEIGHT-BASED Each can of refuse is weighed as it is dumped into the truck. Computer records bill customers according to the weight of refuse disposed.



HYBRID A set level of service (one can or bag per week, for example) is funded through taxes or flat-rate billing. Additional

refuse must be set out in a city logo-marked bag, or in a bag or can accompanied by a city tag/sticker (priced to contribute revenue for solid waste service).

Below is a chart displaying the strengths and weaknesses of each system. Note: Some incentives to reduce waste and recycle (a strength), as well as potential risk of illegal dumping (a weakness), are common to all.

UNIT PRICING SYSTEM CHARACTERISTICS

| System | Strengths | Weaknesses |
|---------------------|---|--|
| VARIABLE CAN | System rewards consistent waste reduction; compatible with automatic and semi-automatic collection systems; fairly stable revenue stream; waste agency has many options in the design of rate structures. | Most expensive system currently in operation, because of billing, inventory, and customer service costs; fixed subscription level removes week-to-week incentive to reduce waste below that level; collectors must insure that refuse is in approved containers that are not over-weight. |
| BAG | Easy to implement and operate; can be implemented rapidly; no billing system needed; compatible with franchise or contract haulers; allows customers flexibility in their disposal level, while providing an incentive to reduce even below one bag of refuse; improves collector efficiency; gives neighborhoods a tidy appearance, with no empty cans on the street; limits need for Customer Service Representatives (CSRs) and enforcement. | Less compatible with automatic or semi-automatic collection systems; provides unstable revenue stream; has potential for problems with animals scattering garbage from damaged bags; may encourage customers to keep excess garbage for following collection. |
| TAG/STICKER | Easy to implement and operate; can be implemented rapidly; no billing system needed; compatible with franchise or contract system; allows customers flexibility in their disposal level, while providing an incentive to reduce even below one unit of refuse; improves collector efficiency; limits need for CSRs and enforcement; low purchase and distribution costs. | May be incompatible with automated or semi-automated collection systems; provides uncertain revenues; difficult to enforce container size limits at the curb; has potential for animals scattering garbage when used with bags; may encourage customers to keep excess refuse for later collection; confusion regarding assigned value of tag/sticker can cause customer service problems; tags/stickers can fall off in cold weather. |
| WEIGHT-BASED | Offers flexible billing system options; pound-by-pound charging system creates a clear waste reduction and recycling incentive at all disposal levels; requires no collector judgment at the curb; generates excellent data to target waste diversion and management program modifications. | Currently implemented on a pilot basis only; new approach with minimal data available—may be tough political sell; is potentially expensive to set up, including computer systems, cans, and scales; results in slower work for collectors under some system designs. |
| HYBRID | Fairly stable revenue stream; low implementation cost; politically easier to implement than other systems; natural transition step to other systems; discourages illegal dumping. | No incentive to minimize waste below base level; requires two-part revenue recovery system (fixed and variable recovery); total costs may not be apparent to customers. |

128

ARE UNIT PRICING SYSTEMS OPERATING SUCCESSFULLY?

In the 1980s, only a small number of Unit Pricing systems were operating in places like Olympia, Washington; Plantation, Florida; and Santa Clara, California. As of January 1993, Unit Pricing systems had spread to more than 1,000 communities with the potential to expand to 1,800 communities by early 1994. At the time of this writing, more than 20 Unit Pricing systems are in operation in California.

The current surge of Unit Pricing systems can be attributed to their proven success records in various communities. For example:

- **Santa Monica, California**, population 88,000, implemented a variable can garbage rate system in April 1992. Santa Monica reports a 32 percent decrease in residential tonnage disposed and a 13 percent increase in tons recycled.
- **Quincy, Illinois**, population 40,000, requires customers to place a payment tag/sticker on each unit of refuse set at the curb. Quincy reports a 20 percent decrease in disposal tonnage (200 fewer tons per month), and a 50 percent increase in recycling program tonnage.
- **Capital Regional District, British Columbia (Victoria)**, includes four "core" municipalities (total population 200,000), each of which limits collection of refuse funded through property taxes to 100 liters per

week. Additional refuse must be accompanied by a separate pre-paid garbage tag/sticker. The Regional District currently diverts 34 percent of its waste stream and is approaching its goal of 50 percent diversion by the year 2000.

- **Seattle, Washington**, population 500,000, has a variable can billing system for refuse. Thirty percent of Seattle's waste stream was diverted in 1988, and 40 percent was recycled by 1991. Even before Seattle's curbside recycling program began in 1987, variable rates helped inspire residents to recycle 24 percent of the city's residential waste stream.

WHERE CAN WE LEARN MORE ABOUT UNIT PRICING ?

The California Integrated Waste Management Board has a series of documents on the entire Unit Pricing process, from initial consideration of a new system to final implementation. *UNIT PRICING FOR SOLID WASTE: An Introduction for Decision Makers* (Document #100-93-001) helps solid waste managers decide whether some kind of Unit Pricing system can benefit their community. *BEYOND THE DECISION: Unit Pricing System Design and Implementation* (Document #100-93-003) helps solid waste managers to focus on one system and begin the planning process. *The RESOURCE GUIDE TO UNIT PRICING FOR SOLID WASTE: Case Studies and References* (Document #100-93-004) includes case studies and lists additional sources of information about Unit Pricing systems.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 97-115

APPROVAL OF STAFF RECOMMENDATION REGARDING PROMOTING OR REQUIRING UNIT PRICING FOR CITIES AND COUNTIES; 50% INITIATIVE, STRATEGY #12, STRATEGY #13, AND STRATEGY #39: PROMOTE OR REQUIRE UNIT PRICING FOR CITIES AND COUNTIES

WHEREAS, a state law effective in 1990 requires waste diversion in order to conserve landfill space and natural resources; and

WHEREAS, cities and counties must divert 25% of their waste by 1995 and 50% of their waste by 2000; and

WHEREAS, the Board has the legal authority to provide assistance to cities and counties to meet the diversion mandate.

NOW, THEREFORE, BE IT RESOLVED, after Board consideration, the Board will more actively promote unit pricing among cities and counties and direct staff to gather and present information in the future in order for the Board to consider pursuing legislation to require unit pricing.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on March 25, 1997.

Dated:

Ralph Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

March 25, 1997

AGENDA ITEM 20

ITEM: CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #3, STRATEGY #16, AND STRATEGY #24:

- A. STRATEGY #3: EXEMPT RURAL JURISDICTIONS FROM DIVERSION PLANNING AND GOALS**
- B. STRATEGY #16: ALLOW SALES OF DIVERSION ABOVE MANDATED GOALS**
- C. STRATEGY #24: ALLOW TRANSFORMATION TO COUNT FOR MORE THAN 10% DIVERSION FOR 50% DIVERSION GOAL**

I. SUMMARY

At its January meeting, the California Integrated Waste Management Board (Board) directed each Committee to consider selected items from the 50% Initiative Staff Proposal and present recommended actions to the Board in March. This agenda item will allow the Board to consider the following 50% Initiative concepts:

- 3. Exempt rural cities and counties from IWMA diversion planning and goals.**
- 16. Allow cities/counties that divert waste above mandated goal to sell excess diversion to other cities/counties.**
- 24. Allow transformation to count for more than 10% diversion for 50% diversion goal.**

II. PREVIOUS COMMITTEE ACTION

As directed at the January 22, 1997 Board meeting, the Policy, Research and Technical Assistance Committee (Committee) considered this item at its March 18 meeting. The Committee's action on the item was not available at the time this item went to print.

III. OPTIONS FOR THE BOARD

Specific options related to each concept are found in the attached analyses. In general, the Board may choose to:

1. further investigate one or more concepts for implementation;
or
2. recommend a modification to the concept and further investigate the modified concept;
3. not further investigate one or more of the concepts.

IV. ANALYSIS

A brief staff analysis for each concept to be considered by the Board follows. Each discussion includes: 1) the concept raised in the 50% initiative process; 2) Board work on the concept to date; 3) relationship of the concept to other Board activities and other work; 4) key issues; 5) future Board work if concept is approved; and 6) recommended strategy options, which include not pursuing the concept further and possible modifications to the concept.

CONCEPT 3. Exempt rural cities and counties from IWMA diversion planning and goals.

This concept suggests that rural cities and counties be exempted from the Integrated Waste Management Act (Act) diversion planning and goal requirements due to the small amount of waste they generate and their lack of resources for implementing diversion programs.

Approximately 27%, or 128, of California's 531 cities and counties qualify under existing law as rural. Rural cities and counties are home to approximately 7% of California's population and generate about 8% of California's waste stream. Rural cities and counties are required to produce the same types of plans and meet the same diversion goals as other cities and counties unless they petition the Board for reduced requirements. Exempting rural cities or counties, or including alternative goals, was previously discussed when the Act was originally drafted.

Given minimal resources in rural cities and counties, preparation of plans and measurement of goal achievement may be comparatively very costly for them. Implementation of this concept would have the effect of reducing rural city and county costs.

Initiation of this concept would require legislation and subsequent modification of existing Board programs.

Board Work on Concept to Date

Existing statute prohibits implementation of this concept. The Board has approved lower disposal reduction goals and/or extended goal deadlines when petitioned by rural jurisdictions, as currently allowed by statute. In addition, Board staff has begun reviewing annual reports from all jurisdictions which outline programs implemented, populations served, and diversion accomplished. In regards to reviewing annual reports and conducting biennial reviews for rural programs, Board staff will carefully consider population density, geographic area covered, distance to markets, and collection and transportation costs when evaluating program implementation and goal achievement. This will assist Board staff in making recommendations to the Board as to whether a jurisdiction has taken all feasible steps to reduce disposal (i.e., made a "good faith" effort).

Relationship to Other Board Activities and Other Work

Statute specifies that all jurisdictions have an ongoing responsibility to reduce the amount of waste they send to landfills relative to what was disposed in 1990. Many rural jurisdictions have accepted that challenge and have planned and begun disposal reduction programs to meet the 25% and 50% disposal reduction goals. Others have successfully petitioned the Board, and as a result, received reduced goals or time extensions. Petitioning the Board has typically been based upon lack of resources, distance to markets, and low waste generation amounts. In some cases rural jurisdictions have done very little in their attempt to reduce disposal.

Some jurisdictions have formed Joint Power Agencies and Regional Agencies to coordinate their integrated waste management efforts and take advantage of economies of scale to achieve the disposal reduction goals. In some areas, private industry has taken the lead in building the infrastructure to collect, process, and use materials from rural areas.

Key Issues

Exempting rural jurisdictions from the Act raises several issues which the Board should consider. These include:

- **Reaching the Goal**

Changes in state and federal legislation have shifted more financial burden to counties, so rurals have even less funding available for waste management programs.

If rurals are exempted, more Board resources could be available to assist local jurisdiction diversion programs in urban areas.

If rurals are exempted, it is still possible that, statewide, the 50% goal could be achieved as the rural cities and counties only generate about 8% of California's waste.

Without local government support, rural residents may lose interest in recycling, composting and other waste reduction strategies.

- **Equitable Treatment of Jurisdictions**

Many rural jurisdictions have allocated the necessary funds to complete their mandated planning documents and to implement programs. Removing the requirements at this time may be perceived as unfair for jurisdictions, both urban and rural, that have already expended resources to comply with the Act.

Many urban jurisdictions also face budget shortfalls and could raise questions of equitable treatment.

- **Economic Impacts**

Proposition 218, passed by the voters last year, has raised issues regarding current and future funding of waste diversion programs if the city or county has relied on parcel-based fees.

A rural exemption could impact private investments in collection, processing, and use of secondary materials. It might lead to business closures.

Future Board Work if Concept is Approved

An exemption for rural cities and counties will require statutory change. If such a change were made, the Board would need to revise regulations pertaining to rural cities and counties. As this effort would require additional study and the rewriting of existing statute and regulations, significant resources may be required. This would result in the Board having to reassess existing priorities and redirecting staff efforts. Based on that discussion, the Board could decide whether to pursue Board-sponsored legislation.

Recommended Strategy Options

The Board could choose to:

1. not pursue the concept further;
2. hold a workshop to discuss the issues associated with how and whether to exempt rural cities and counties from diversion requirements of the Act;
3. change the topic of the workshop to rural relief rather than rural exemption; or

4. direct staff to prepare a policy paper, based on current knowledge, recommending specific rural relief strategies that would not require legislative change, such as relaxed planning and reporting requirements.

CONCEPT 16. Allow cities and counties that divert waste over and above their mandated goal to sell their excess diversion to other cities and counties.

This concept would allow cities and counties to transfer or sell diversion tonnage above the 50% goal. However, with the passage of AB 2494, the Board no longer tracks diverted materials, but now measures goal achievement through disposal reduction. For this reason diversion credits will from now on be referred to as disposal reduction credits.

Some cities and counties can divert waste more cost effectively than others. If those cities and counties could sell the disposal reduction "credits" (tonnage) that exceed their goals to other jurisdictions, they would have an incentive to maximize disposal reduction. Other cities and counties without the benefit of economies of scale, proximity to markets or that lack resources could buy the "credits" and thereby achieve their goals at a lower cost.

This would allow cities, counties and the Board to minimize their costs in meeting the diversion goals. While this approach would not necessarily cause the most additional diversion, it could significantly reduce the cost to California of meeting the goals.

Theoretically this approach would allow additional cities to claim meeting the disposal reduction goals. Also, this concept would be a new program for the Board and would require legislation.

Board Work on Concept, to Date

The Board's disposal reporting system and current goal measurement system tracks the progress of individual jurisdictions. Through this system, some jurisdictions will be identified that surpass the diversion goals of 25% in 1995 and 50% in 2000. Other jurisdictions will fall short of those goals.

Staff have some experience with regional agencies, which share some similarities with this concept. With the passage of AB 2494 in 1992, existing law allows two or more jurisdictions to form regional agencies. For the purposes of goal measurement, the progress of the entire regional agency, not the member jurisdictions, is tracked. In this way, the participating jurisdictions already "share", or "contribute" disposal reduction credits to the region. The amount of effort and required costs from each jurisdiction are not required to be equal, and the amount of diversion that results from each city's effort will also be different. While Board staff is not aware of any jurisdictions "buying" their way into a regional agency with excess diversion, it could theoretically occur. The Board reviews and approves of the agreements that local jurisdictions use to form regional agencies, but there are no requirements related to disclosure of any motives, related agreements, or trade-offs.

To date, Board staff has not done an extensive analysis of this strategy. Because this strategy would be a major shift in policy and require significant changes in legislation, staff would require Board direction prior to committing significant resources in pursuing this strategy.

Relationship to Other Board Activities and Other Work

Changes in the way a jurisdiction can achieve the diversion goals would affect numerous Board activities, including: review of revised local plans (Revised Source Reduction and Recycling Elements, Non-disposal Facility Elements, County Summary Plans, and potentially County Siting Elements) which may be necessary because the original plans were prepared under the current goal

measurement system; review of local jurisdiction annual reports (the vehicle local jurisdictions use to show their progress toward the goals); and the Board's biennial review and goal measurement process. Local jurisdictions, haulers, disposal facility operators, and counties would also need to adjust to accommodate the new system, which may not be consistent with existing contracts, relationships, or practices.

Key Issues

- **Good Faith Efforts**

Under current law, the Board must consider a jurisdiction's "good faith efforts" to implement programs designed to achieve the goals, not just the level of diversion reached. Goal measurement is just a part of determining a jurisdiction's "good faith efforts", because statute requires the Board to consider many other issues and any extenuating circumstances such as a lack of markets, emergencies, and natural disasters. In addition, current law allows for petitions for goal-year extensions and goal reductions, regional agency formation, and other flexibility.

Local jurisdictions are very concerned about possible Board action if they fail to reach the goal. They also have broader concerns. While the Board will consider the extenuating circumstances, local government staff are concerned that "sound-bites" and headlines rarely contain explanations, and that the political ramifications of failing to meet the diversion goals will be substantial.

- **Accountability of Jurisdictions**

AB 939 established accountability at the individual jurisdiction level. This strategy could be seen as counter to that premise. AB 939 also encourages jurisdictions to achieve the "maximum diversion feasible". This strategy appears to focus on each jurisdiction accumulating "credits" equivalent to the "minimum diversion necessary". As such, it could be

considered too extreme and/or counter to the original intent of AB 939.

It could be argued that jurisdictions already can and do "buy" disposal reduction indirectly, by funding regional agencies or joint powers authorities which actually carry out the diversion programs. This strategy could be seen as an extension of this activity that will result in the expansion of the most cost-effective programs, concentration of resources where they can be most effective, taking advantage of the benefits of economies of scale, and increasing tons diverted per dollar, if not increasing the total amount of diversion.

- **More Adjustments to Statute**

Legislation resulting from this proposal could be seen as "changing the rules" again, resulting in frustration and confusion at the local level. It might also raise concerns that approved plans or past reports would need to be revised and resubmitted. Any change in legislation raises local concerns of additional costs, changes in staffing, and changes in direction.

This strategy acknowledges the fact that each jurisdiction is unique, and that one approach (e.g., one goal measurement method) may not work in all cases. It could be viewed as an additional level of flexibility that some jurisdictions will need as they struggle with the very real problems of shrinking budgets, reduced staffing levels and conflicting priorities. While most affected parties would probably welcome open, flexible options in relation to sharing diversion "credits", prescriptive or mandatory solutions that resulted in increased costs and/or staff-time would not be so well received.

- **Continued Motivation by Jurisdictions to Meet 50% Goal**

If an alternative arises which allows a jurisdiction to buy "credit" rather than divert material, some jurisdictions could

reduce their efforts. As a result, the amount of diversion statewide in 2000 could be lower than under the current system. Based on the economic concerns heard often from local government, such a system of credits could be a disincentive to jurisdiction diversion programs.

Based on extensive interactions with jurisdictions, Board staff believes that the vast majority of local governments are committed to achieving the diversion goals. There are a number of jurisdictions which divert more than 50% now, even though it is not yet required. With the current awareness regarding diversion, the public often demands that local governments take an active role in recycling and composting. If this is true, then even with the availability of "credits", this strategy should not result in substantially diminished local efforts, but could result in reduced costs for those jurisdictions that cannot afford to carry out diversion programs directly.

- **Economic Impacts**

If jurisdictions are unable to afford the cost of implementing diversion programs, then it is not known how they could afford to purchase disposal reduction "credits". This would be particularly true because some programs can often be accomplished using a small portion of existing resources, while disposal reduction "credits" could be a new expenditure. It could be argued that this strategy could implement a program in which smaller, poorer jurisdictions pay larger, more affluent jurisdictions to conduct diversion programs that they could already afford and were already conducting.

In addition, jurisdictions buying disposal reduction "credits" would be sending funds out of their area with little or no return (other than avoidance of a possible fine that is actually related to their "good faith efforts" to implement diversion programs). These jurisdictions would not benefit from jobs, economic stimulation, or value-added enhancements

that an actual diversion program could create in the local area.

- **Administration of Exchanges**

The exchange of "credits" could be left to the local jurisdictions. In this case, there would be no control or regulation related to the pricing of diversion credits. Considerable pressure could be exerted on jurisdictions in need of diversion "credits". While the strategy mentions the sale of excess credits, it is not difficult to see the potential for exchanges of other resources, services, or favors. In addition to political concerns, there will probably be unforeseen complexities and issues related to the sale of "diversion credits".

The Board could take a lead role in establishing a "diversion credit exchange". And, if desired, the Board could regulate how exchanges took place. Parity of credits, value of exchanges, timing of exchanges, and other items would have to be considered.

Board staff would need to be involved to a high degree because they provide the oversight, coordinate the disposal reporting system, and review/approve of the calculations/methods used to determine a jurisdiction's diversion rate.

It is important to keep in mind that disposal reduction credits would need to be the excess disposal reduction TONNAGE (e.g. 100 tons of disposal reduction in excess of the goal), not the excess disposal reduction PERCENTAGE (e.g. 2% points above the 50% goal). A percent of disposal reduction in a large city may represent thousands of tons, while in a small city 1% may only be a few tons.

Large cities are more likely to implement many diversion programs and have excess credits. One large city could sell

enough excess disposal reduction tons to pull numerous small jurisdictions to above the 50% goal.

The private sector has many contracts, agreements, and existing facilities in cooperation with local governments. A jurisdiction may not be able to change diversion practices radically, if it has any long-term (beyond 2000) agreements, such as a franchise agreement, a long-term contract for recycling services or an agreement regarding operation of an existing facility. Where long-term agreements do not exist, there could be significant impacts on local solid waste diversion service providers as jurisdictions stop diverting and start buying "credits".

Future Board Work if Concept is Approved

The Board would request a full, in-depth presentation on this strategy. Staff would prepare an analysis on issues associated with changing the method used for measuring goal achievement and the implementation of a system using transferable diversion "credits". Staff would need to fully explore this issue with the affected parties and gather input on any impacts and benefits associated with this strategy. Based on the information gathered, staff would prepare an agenda item for Board consideration. Subsequent to Board discussion, the Board would decide whether to pursue Board-sponsored legislation. If so directed by the Board, staff would develop proposed legislative language for Board consideration.

This proposal would require significant resources to complete a detailed analysis, write statutory language, rewrite regulations and finally administer the program. Resources would have to be the product of redirection from other areas of the Board.

Recommended Strategy Options:

The Board could:

- 1) direct the presentation of an agenda item regarding Changes to Disposal Reduction Goals and Goal Measurement which includes

consideration of allowing cities and counties to sell diversion in excess of the goals;

- 2) direct staff to solicit further input from local jurisdictions, counties, the solid waste industry, and other interested parties on the concept;
- 3) direct staff to develop proposed legislative language on disposal reduction "credits"; or
- 4) choose not to pursue the concept further.

CONCEPT 24. Allow transformation to count for more than 10% diversion for the 50% diversion goal.

This concept consists of suggestions ranging from: 1) revisit incineration of municipal solid waste now that technology allows cleaner burning plants; 2) define cogeneration and waste-to-energy as diversion; and 3) encourage incineration of contaminated or unmarketable combustible waste.

Existing law counts transformation as disposal until 1995, then allows transformation to count for up to 10 of the 50% goal in 2000. The topic of transformation has been controversial since the Act was first drafted. Staff's analysis was limited to existing waste-to-energy and biomass facilities, as construction of new transformation facilities appears to be controlled by other factors such as economics, public opinion (NIMBY), and Public Utilities Commission (PUC) deregulation. There are currently three Board-permitted waste-to-energy facilities which burn approximately 1 million tons of solid waste from approximately 100 jurisdictions. Biomass facilities (not permitted by the Board) are more numerous, serve numerous cities and counties statewide, and burn between 6 and 8 million tons of material.

Changes to the goal calculation system as proposed could result in small additional cost to the Board, cities, and counties.

Because biomass facility reporting was made necessary by AB 688 (not by this concept), biomass facilities (which are not currently part of the disposal reporting system) will incur costs related to reporting the amounts and jurisdictions of origin of material burned. Biomass facility reporting must start prior to 2000 to limit biomass credit to 10 points of the 50 percentage point goal for each jurisdiction claiming biomass diversion, as required by statute. The calculations related to biomass diversion will be complicated because of the structure of the statutes.

Costs related to facility reporting could be eliminated, if transformation and biomass were considered 100% diversion activities. Because we have a system of disposal-based reporting and disposal reduction measurement for goal achievement, diversion activities do not need to be tracked. Any other changes to the 10 point limit (from a 1 point limit to a 99 point limit) will not significantly change the costs related to reporting, because the information will be gathered regardless of the level.

This concept would modify existing Board programs and would require both legislative and regulatory changes.

Board Work on Concept, to Date

The topic of transformation has been very controversial since the Act was first drafted. Almost every year since then, legislation has been introduced to change the way transformation is treated. Staff has analyzed those bills, and the Board has considered positions on them.

To date, successful legislation has: established the 10 point limit in 2000 for permitted transformation facilities (PRC Section 41783, AB 939); allowed jurisdictions not to rely on transformation if they choose not to (AB 939); established the method for measuring transformation (AB 2494); established petitions for goal reductions for jurisdictions that are constrained by existing transformation agreements (PRC Section 41786) and with the passage of AB 260 the Board granted a

reduction in the 25% goal to the City of Lakewood; added biomass conversion and established that biomass or transformation (not a combination of both) may count up to 10 points of a jurisdiction's 50 percentage point goal (PRC Section 41783.1, AB 688).

Board staff has worked closely with representatives from the entities most experienced with and most knowledgeable of transformation/biomass issues, including: Stanislaus County, Los Angeles County Sanitation District, City of Long Beach, City of Commerce, City of Lakewood, and the Biomass Power Industry. There have been numerous proposals to raise or eliminate the 10 point limit. To date, legislation resulting from the proposals has not been successful.

Because this strategy would represent a major shift in policy and require significant changes in legislation, staff would require Board direction prior to pursuing this strategy.

Relationship to Other Board Activities and Other Work

Board staff has reviewed and studied the planning documents (Source Reduction and Recycling Elements) submitted by each jurisdiction. These documents show the role transformation will play in each jurisdiction's plan for achieving 50% in 2000.

The three permitted transformation, or waste-to-energy, facilities are part of the Board's disposal reporting system. Since the beginning of 1995, these facilities have reported quarterly on the amounts and jurisdictions of origin of solid waste transformed.

Because biomass facility reporting was made necessary by AB 688, biomass facilities will need to become part of the Board's disposal reporting system prior to 2000. Board staff has begun to develop draft regulations on this issue.

In addition, Board staff has been studying the potential effects of PUC changes on the biomass industry and the resultant increases in landfill amounts.

Board staff review of local jurisdiction annual reports, Board staff coordination of the Disposal Reporting System, and the Board's biennial review and goal measurement process are all tied closely, and will be affected by, any changes to diversion credit related to transformation.

Key Issues

- **Statewide Quantitative Impacts**

Board staff estimates that California achieved a 1995 diversion rate of approximately 26%. If all the transformation at the three permitted facilities (Long Beach, Commerce, and Stanislaus) had been considered diversion, then the statewide diversion rate in 1995 would have been approximately 28%. While the statewide impact would be only a few percent, the impact of such a change on the diversion rates of individual jurisdictions will vary greatly. Some jurisdictions do not send any material to transformation (0 change), while others send almost all of their disposal to transformation facilities (change to a diversion rate approaching 100%).

If biomass had been included as diversion in 1995, then the size of our waste stream would increase from 45 million tons to approximately 52 million tons and the diversion rate would have jumped to approximately 38%. Again, jurisdiction specific numbers would vary greatly.

It is impossible to predict exactly how much material will be burned through transformation or biomass conversion in 2000, but the above scenarios for 1995 show that on a statewide basis the impact on diversion rates could be significant, particularly regarding biomass conversion.

- **Goal Achievement**

Under current law, the Board must consider a jurisdiction's "good faith efforts" to implement programs designed to achieve the goals, not just the level of diversion reached. Goal measurement is a small part of determining a jurisdiction's "good faith efforts," because statute requires the Board to consider many other issues and any extenuating circumstances such as a lack of markets, emergencies, and natural disasters. In addition, current law allows for petitions for goal-year extensions and goal reductions, regional agency formation, and other flexibility. In light of these statutory provisions, it could be argued that every jurisdiction should try to reach the 50% goal with the current 10 point transformation limit, with the knowledge that if they fail the Board will not automatically impose a \$10,000 per day fine.

Local jurisdictions are very concerned about possible Board action if they fail to reach the goal. They also have broader concerns. While the Board will consider extenuating circumstances, local government staff are concerned that "sound-bites" and headlines rarely contain explanations, and that the political ramifications of failing to meet the diversion goals will be substantial.

- **Impact on Existing Hierarchy**

AB 939 established limits on transformation credit. AB 939 also established the waste management hierarchy which set source reduction at the top, followed by recycling and composting, and then transformation and landfilling. AB 939 also encourages jurisdictions to achieve the "maximum diversion feasible". This strategy could be seen as just redefining diversion and resulting in less actual diversion. As such, it could be considered counter to the original intent of AB 939.

It could be argued that AB 939 recognized that transformation is a special case, and that with additional time and knowledge

a new strategy is warranted. In fact, in the 1980s (prior to AB 939), the Board encouraged transformation as an alternative to landfilling. Jurisdictions that invested in the necessary technology and made a long-term commitment to transformation have been frustrated with the change in legislation and direction.

- **Adjustments to Existing Statute**

Legislation resulting from this proposal could be seen as "changing the rules" again, resulting in frustration and confusion at the local level. It might also raise concerns that approved plans or past reports would need to be revised and resubmitted. Any change in legislation raises local concerns of additional costs, changes in staffing, and changes in direction. While most affected parties would probably welcome open, flexible options in relation to transformation, prescriptive or mandatory solutions that resulted in increased costs and/or staff-time would not be so well received.

If an alternative arises which allows a jurisdiction to count more transformation or biomass as diversion, then the amount of other diversion statewide in 2000 could be lower than under the current system.

- **Impact on Local Jurisdictions**

Based on extensive interactions with jurisdictions, Board staff believes that the vast majority of local governments are committed to achieving the diversion goals. There are a number of jurisdictions which divert more than 50% now, even though it is not yet required. However, jurisdictions with long-term commitments to transformation (or those jurisdictions that could not afford to carry out diversion programs anyway) would have the flexibility to choose transformation and, as a result, there would be less diversion in those localities.

In the case of biomass, the potential impacts are less well known. Information on the jurisdictions of origin of materials sent to biomass and on the exact amounts is lacking for several reasons: because biomass was not considered part of the waste stream in the Board's base-year (1990); biomass was not included in the Board's disposal reporting system; and biomass facilities are more likely to be independent of local government and more concerned about proprietary information than a waste-to-energy facility. Finally, the turbulent times for biomass due to PUC deregulation has destabilized the system and the result is little certainty in relation to the future, such as the number or size of remaining facilities to expect in 2000.

The private sector has many contracts, agreements, and existing facilities in cooperation with local governments. A jurisdiction may not be able to change diversion practices radically, if it has long-term (beyond 2000) agreements, such as a franchise agreement, a long-term contract for recycling services or an agreement regarding operation of an existing facility. Where long-term agreements do not exist, there could be significant impacts on local solid waste diversion service providers as jurisdictions stop diverting and instead send material to biomass or transformation facilities.

Future Board Work if Board Approves the Concept

Staff would need to explore this issue fully with the affected parties and gather input on any impacts and benefits associated with this strategy. Based on the information gathered, staff would prepare an agenda item for Board consideration. Subsequent to Board discussion, the Board would decide whether to pursue Board-sponsored legislation. If so directed by the Board, staff would develop proposed legislative language for Board consideration. If legislation was passed, extensive revision of existing regulations and reporting requirements would be modified by Board staff. Implementing this entire process would require extensive staff resources. Obtaining these resources would require a redirection internally from other Board programs.

Recommended Strategy Options:

The Board could:

- 1) choose not to pursue the concept further;
- 2) direct staff to prepare an agenda item that contains a proposal based on current information and policy options for consideration;
- 3) direct staff to hold a workshop to discuss the issues associated with increasing the portion of transformation allowed to count as diversion and present findings to the Board and, based on that discussion, decide whether to pursue Board-sponsored legislation; or
- 4) direct staff to develop proposed legislative language to pursue changes related to transformation credit.

V. ATTACHMENTS

Board Resolution Number 97-98

VI. APPROVALS

Prepared by: Catherine Cardozo  Phone 255-2396

Reviewed by: Patrick Schiavo  Phone 255-2656

Reviewed by: Judith J. Friedman  Phone 255-2376

Legal Review:  Phone 3/14/97

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 97-98**

**CONSIDERATION OF THE GETTING TO 50% INITIATIVE CONCEPTS ASSIGNED
TO THE POLICY, RESEARCH AND TECHNICAL ASSISTANCE COMMITTEE**

WHEREAS, to facilitate meeting the 50% diversion requirement of the Integrated Waste Management Act (Act), the Board sought input from cities and counties, the public and private waste management and recycling industry, manufacturers, environmental groups, the public and its own staff on the issues associated with reaching the goal, potential solutions to obstacles and the Board's role in achieving 50% diversion; and

WHEREAS, a Board staff team was assigned to evaluate the nearly 1,000 suggestions received; and

WHEREAS, each concept was evaluated for: additional costs to the Board and others; diversion potential; demonstrated success and time to optimize the impact on the waste stream; and sphere of influence; and

WHEREAS, similar suggestions were combined into 44 "Concepts" and presented to the Board at its January, 1997 meeting; and

WHEREAS, the Board assigned the following Concepts to the Policy, Research and Technical Assistance Committee for additional public comment at its March, 1997 meeting:

Strategy #3: Exempt rural jurisdictions from diversion planning and goals.

Strategy #16: Allow sales of diversion above mandated goals.

Strategy #24: Allow transformation to count for more than 10% diversion for 50% diversion goal.

NOW, THEREFORE, BE IT RESOLVED that, following Board consideration, staff will more fully assess all Board-approved concepts for full implementation.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 25, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 25-26 1997

AGENDA ITEM 21

ITEM: CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 50% INITIATIVE, STRATEGY #11: PROVIDE A STUDY WHICH WILL IDENTIFY POTENTIAL ADDITIONAL SOURCES OF FUNDING FOR DIVERSION PROGRAMS OF LOCAL JURISDICTIONS

I. SUMMARY

At its January 23, 1997 meeting, the CIWMB discussed the recommendations of the "Getting to 50% Initiative" and directed that their implementation be discussed in more detail by the Board's various committees. The recommendation to conduct a study which highlights the best diversion program funding arrangements used by cities and counties and identifies potential additional sources of funding is now being presented for the Board's consideration.

The "Getting to 50% Initiative" recommendation #11:

Perform a study to help jurisdictions find a way to fund programs

II. PREVIOUS COMMITTEE ACTION

The agenda item is being heard on March 18, 1997 by the Policy, Research and Technical Assistance Committee.

III. OPTIONS FOR THE BOARD:

Board members may decide to:

1. implement recommendation #11.
2. give staff other directions at this time.
3. take no action at this time.

IV. STAFF RECOMMENDATIONS

At this time staff recommends that the Board implement recommendation #11 "Perform a study to help jurisdictions find a way to fund programs."

V. ANALYSIS

CONCEPT #11. Perform a study to help jurisdictions find a way to fund programs

Local governments now are constantly challenged by the need to pay for programs they are mandated to implement. The enactment AB 939 required local governments to reach, or implement programs to reach, the 25 and 50 percent waste diversion goals. However, an overall source of funding for these programs was not created. Thus each jurisdiction has been responsible for providing the funds needed to implement their diversion programs. For many jurisdictions, this is difficult at best and can be a "main impediment to waste diversion programs."¹ Meanwhile, others have been able to fund substantial programs.

Board Work on Concept, to Date

The Board has not systematically gathered information on the nature of the financing arrangements made throughout the state to pay for AB 939 programs. Other than its 1991 study on diversion in rural areas, there has also been no analysis of the factors that affect individual jurisdictions' ability to support diversion programs.

Future Board Work if Board Approves the Concept

If recommendation #11 is implemented, staff would complete, or contract for, a study to assist local jurisdictions who have difficulty funding their diversion programs. The study would bring to light the characteristics of the best funding arrangements used throughout California. It could help increase diversion if it led jurisdictions to expand or improve their waste diversion programs.

Through a broad-based survey of local governments, the study would:

1. Catalog the strategies now used to fund local diversion programs.
2. Compare and contrast the strengths and weaknesses of the different funding strategies used.
3. Highlight the most successful strategies.
4. Evaluate the applicability of different strategies to different types of communities found in California.

Another issue that should be taken into account when considering this study is the impact of Proposition 218. This measure may

¹Waste Diversion in Rural California, pg. 26, CIWMB, 1991.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 97-117

APPROVAL OF STAFF RECOMMENDATION REGARDING A STUDY WHICH WILL IDENTIFY POTENTIAL ADDITIONAL SOURCES OF FUNDING FOR DIVERSION PROGRAMS OF LOCAL JURISDICTIONS; 50% INITIATIVE, STRATEGY #11

WHEREAS, a state law effective in 1990 requires waste diversion in order to conserve landfill space and natural resources; and

WHEREAS, cities and counties must divert 25% of their waste by 1995 and 50% of their waste by 2000; and

WHEREAS, the Board has the legal authority to provide assistance to cities and counties to meet the diversion mandate.

NOW, THEREFORE, BE IT RESOLVED, after Board consideration, the Board directs staff to complete, or contract for, a study to help jurisdictions find a way to fund programs by bringing to light the characteristics of the best funding arrangements used throughout California.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on March 25, 1997.

Dated:

Ralph Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

March 26, 1997

AGENDA ITEM 25

ITEM: Update on State Legislation

SUMMARY

This item presents information about Legislative and Regulatory Affairs Office projects and upcoming events at the Legislature. The Board may also wish to consider legislation presently before the California Legislature in the Status Report of Priority Bills, which is also attached (the deadline for introduction of bills in 1997 was February 28, 1997; however, authors may continue to introduce urgency bills and committees may continue to introduce bills).

PREVIOUS COMMITTEE ACTION

The Legislative and Public Affairs Committee took no action on this agenda item at its March 13, 1997 meeting.

OPTIONS FOR THE BOARD

Board members may wish to provide Legislative and Regulatory Affairs Office Staff with guidance or direction on the information presented in this item.

STAFF RECOMMENDATION

The Legislative and Regulatory Affairs Office suggests that the Board take no action on state legislation at this time.

ANALYSIS

The following is information about Legislative and Regulatory Affairs Office projects and upcoming events at the Legislature:

Tours: The Legislative and Regulatory Affairs Office, working with Chairperson Gotch's office, offered several days of tours to Legislators and their staff. The tours were completed on Friday, March 14, 1997. The purpose of the tours was to provide .

Legislators and staff with a firsthand look at the operations of different types of solid waste and recycling facilities. The tours included small and large landfills, Materials Recovery Facilities (MRFs), Recycling Market Development Zone (RMDZ) businesses, Recycling and Buyback Centers, Waste to Energy Facilities, and Tire Recycling Facilities in Northern California.

Legislative Updates: The *Status Report of Priority Bills* is a continuously updated list of state and federal bills which have an effect on the CIWMB. Each entry includes the bill number, the author, the sponsor, a brief summary, the date introduced or amended, the status, and the LPEC and Board position. The *Status Report of Priority Bills* is published for each LPEC and Board meeting. The *Legislative Newsflash* is published weekly and sent out to all staff via e-mail. It includes short paragraphs about upcoming hearings, legislative action on bills the CIWMB is tracking, and other information such as committee memberships, and Governor's appointments. The Legislative and Regulatory Affairs Office expects to have both of these documents available on the CIWMB's Home Page for public access in April.

Statute Book: The 1997 CIWMB Statute Book is expected to be available in print and on the Internet in April. There will be a charge for copies of the statute book this year.

ATTACHMENTS

1. Status Report of Priority Bills
2. Legislative Newsflashes - March 14, 1997

APPROVALS

Prepared by: Barbara Peavy *Barbara Peavy* Phone: 255-2416
Approved by: Patty Zwarts *P. Zwarts* Phone: 255-2203



Legislative and Regulatory Affairs Office Status Report of Priority Bills

**State Legislation
1997/98 Session**

**Federal Legislation
105th Congress**

March 17, 1997

TABLE OF CONTENTS

| | Page |
|---------------------------------------|-------------|
| Assembly Bills | 1 |
| Senate Bills | 8 |
| State Legislation Subject Index | 19 |
| Federal Legislation | 23 |

**Status of Priority Bills
March 17, 1997**

Assembly Bills

Bill No: **AB 84 (Woods) Sponsor: California Rice Industry Association & Rice Producers Association**
Subject: **State Contracts: Recycled Products Preferences**
Intro: Would implement a pilot program to provide price preferences for products manufactured
12/23/96 with residues from agricultural cropping activities. Would define "products manufactured
Amended: with residues from agricultural cropping activities" to include, but not be limited to, copy
3/10/97 paper, stationery, newsprint, cardboard, fiberboard, pallets, sheeting, boards, tiles,
insulation, and compost.
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and
Economic Development Committee on 3/18/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 107 (Ducheny) Sponsor: Assembly Budget Committee**
Subject: **1997-98 Budget**
Intro: Would make appropriations for support of State government for the 1997-98 fiscal year.
1/9/97
Status: Referred to the Assembly Budget Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 117 (Escutia) Sponsor: Author**
Subject: **Air Pollution: Permits**
Intro: Would prohibit a business that receives a "various location" permit from an air quality
1/13/97 management district from using that permit in a residential neighborhood if a local agency
Amended: finds the business may become a public nuisance or if the Air Resources Board (ARB) or a
3/10/97 local air quality management district determines that the business may negatively affect
ambient air quality in the neighborhood.
Status: Set to be heard before the Assembly Natural Resources Committee on 3/31/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 170 (Papan) Sponsor: Citicorp**
Subject: **Claims Against the State**
Intro: Would specify that interest penalty fee provisions in contracts may not be waived, altered,
1/28/97 or limited by a State agency or the person or business contracting with the State agency.
Amended:
3/17/97
Status: Referred to the Assembly Consumer Protection, Governmental Efficiency and Economic
Development Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 175 (Torlakson) Sponsor: Author**
Subject: **Environmental Quality**
Intro: Would authorize a lead agency to consider, among other things, previously completed local
1/28/97 and regional planning documents, site availability, and jurisdictional boundaries, in
determining the feasibility of a project alternatives when preparing and certifying a California
Environmental Quality Act (CEQA) report.
Status: Referred to the Assembly Natural Resources Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 179 (Bowen) Sponsor: Author**
Subject: **Public Records**
Intro: Would provide that public records that are in an electronic format shall, unless prohibited by
1/30/97 law, be made available in that format when requested by a member of the public and that
direct costs of duplicating public records shall include the costs associated with duplicating
electronic records.
Status: Referred to the Assembly Governmental Organization Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 206 (Hertzberg) Sponsor: Author**
Subject: **Citizen Complaint Act of 1997**
Intro: Would require each State agency, including the California State University, to make
2/4/97 available on its Internet web site, on or before July 1, 1998, or within 6 months of the
establishment of such a site, whichever is later, a form in plain language through which
residents of the State can register complaints relating to the performance of a State agency.
Status: Double-referred to the Assembly Consumer Protection, Governmental Efficiency and
Economic Development Committee and Assembly Televising the Assembly Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 228 (Midgen) Sponsor: Californians Against Waste**
Subject: **Newsprint: Recycled Content**
Intro: Would include any State agency that uses newsprint within the definition of "consumer of
2/5/97 newsprint", for purposes of the recycled-content newsprint program administered by the
CIWMB; would include legislative findings that the State Printing Office (OSP) has failed to
achieve the 1995 recycling content requirement.
Status: Passed the Assembly Natural Resources Committee (11-1) on 3/10/97; referred to the
Assembly Appropriations Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 306 (Kaloogian) Sponsor: Intelligen, Inc.**
Subject: **Public Utilities: Electrical Restructuring**
Intro: Would include microcogeneration as one of the described changes in usage for the
2/14/97 uneconomic costs applied to each customer based on the amount of electricity purchased
by the customer from an electrical corporation or alternate supplier of electricity, subject to
changes in usage occurring in the normal course of business.
Status: Referred to Assembly Utilities and Commerce Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No. **AB 362 (Bowen) Sponsor: Author**
Subject: **Environmental Advertising**
Intro: Would make it unlawful for a person to represent that a consumer good, as defined, which it
2/19/97 manufactures or distributes, is ozone friendly, biodegradable, or meets specified marketing claims, unless the article meets specified definitions established in the trade rules adopted by the Federal Trade Commission.
Status: Referred to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee.
LPEC Position: None at this time
CIWMB Position: None at this time.

Bill No: **AB 375 (Firestone) Sponsor: Author**
Subject: **Solid Waste: Tires**
Intro: Would exempt a facility that generates electricity from the combustion of whole waste tires
2/19/97 from the requirement to obtain a major waste tire facility permit, provided the facility complies with CIWMB regulations and stores no more than a 1-month supply of tires on-site; would raise the tire fee from \$.25 per tire to \$.30 per tire.
Status: Set to be heard before the Assembly Natural Resources Committee on 4/7/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 376 (Baca) Sponsor: Author**
Subject: **Public Contracts**
Intro: Would require specified contracts that exceed a certain sum awarded by the State of
2/19/97 California or any State agency be awarded through a publicized competitive bidding process to the lowest qualified bidder.
Status: Referred to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No. **AB 453 (Kuykendall) Sponsor: Business Properties Assn.**
Subject: **Public Works: Prevailing Wages**
Intro: Would make the current requirement relating to the payment of prevailing specified wages to
2/24/97 all workers employed on public works projects applicable to public works projects greater than \$100,000.
Status: Referred to the Assembly Labor and Employment Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 475 (Pringle) Sponsor: California Chamber of Commerce**
Subject: **Office of Permit Assistance: Reports**
Intro: Would require, commencing with the first quarter of calendar year 1999, Cal/EPA, the
2/24/97 Resources Agency and the State Board of Equalization to submit to the Office of Permit Assistance an annual report of the total dollar amount of fees or charges collected or assessed by each of those agencies and subdivisions thereof.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 529 (Baldwin) Sponsor: Author**
Subject: **State Funds**
Intro: Would provide that specified Budget Act revenues shall be deposited in the General Fund
2/24/97 and not be expended unless the Legislature authorizes the expenditure.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 592 (Kuehl) Sponsor: Author**
Subject: **Environmental Protection: Pollution Cleanup**
Intro: Would prohibit Cal/EPA and the offices, boards and departments within the agency from
2/25/97 allowing or authorizing any person responsible for any toxic emission or discharge into the
air, water, or land to inspect, monitor, enforce, supervise, or otherwise participate in the
cleanup regulatory process.
Status: Referred to the Assembly Environmental Safety and Toxic Materials Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 705 (Strom-Martin) Sponsor: Californians Against Waste**
Subject: **State and Local Recycling**
Intro: Would include building and construction materials, outdoor furniture, and landscaping
2/26/97 materials within the definition of recycled products for specified purposes.
Status: Double-referred to the Assembly Natural Resources Committee and the Assembly Consumer
Protection, Governmental Efficiency and Economic Development Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 733 (Washington) Sponsor: California State Bar**
Subject: **Hazardous Materials: Hazardous and Solid Waste: Public Education**
Intro: Would require the Director of Department of Toxic Substances Control (DTSC) to develop for
2/26/97 grades K-8 a public education program, providing curricula on hazardous materials and
hazardous and solid waste facilities, and a statewide public education campaign to meet
those objectives.
Status: Referred to the Assembly Environmental Safety and Toxic Materials Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 770 (Margett) Sponsor: California Council for Economic and Environmental**
Subject: **Balance**
Recyclable Materials
Intro: Would delete the requirement that recyclable materials be managed and stored in a specified
2/26/97 manner.
Status: Referred to the Assembly Environmental Safety and Toxic Materials Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 775 (Martinez) Sponsor: Author**
Subject: **Public Agencies: State Funds**
Intro: Would provide that no public agency, as defined, is eligible to receive State funds if the public
2/26/97 agency knowingly violates any State law or local ordinance.
Status: Double-referred to the Assembly Judiciary and the Assembly Consumer Protection,
Governmental Efficiency and Economic Development Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 847 (Wayne) Sponsor: Appliance Recycling Centers of America**
Subject: **Hazardous Waste: Major Appliances**
Intro: Would prohibit the crushing for purposes of transportation or recycling any major appliance,
2/27/97 as defined, until all hazardous waste has been removed from the appliance.
Status: Referred to the Assembly Environmental Safety and Toxic Materials Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 964 (Bowen) Sponsor: Author**
Subject: **Solid Waste Landfills: Alternative Daily Cover**
Intro: Would require any local agency using alternative daily cover to meet its source reduction
2/27/98 goals to also have in place a green waste collection, composting, and marketing program that
makes the material available to residential, commercial, and government users who wish to
purchase material.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1055 (Villaraigosa) Sponsor: Unknown**
Subject: **Recyclable Materials: Playground**
Intro: Would require the CIWMB to develop a program to inventory and inspect the uses of
2/27/97 recyclable materials on public playgrounds.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1097 (Brown) Sponsor: Assembly Governmental Organization Committee**
Subject: **Open Meetings**
Intro: Would delete the repeal date of the law that authorizes a State body to hold an open or closed
2/27/97 meeting by teleconference.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1111 (Martinez) Sponsor: Author.**
Subject: **Bid Announcements: Criteria and Specifications**
Intro: Would required a public entity, in awarding a contract pursuant to a public bidding process, to
2/27/97 accept the lowest responsible bid that most closely follows the criteria or specifications, or
both, contained within the announcement for bids, or reject all bids and initiate a new
announcement, containing new criteria or specifications, or both, and a new bidding process.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1157 (Wayne) Sponsor: Author**
Subject: **Hazardous Waste**
Intro: Would require the Department of Toxic Substances (DTSC) to issue a public notice not less
2/28/97 than 30 days immediately preceding the date of granting a hazardous waste variance.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1169 (Shelley) Sponsor: Mountain Lion Foundation**
Subject: **Environmental and Resource Agencies: Posting of Electronic Mail**
Intro: Would require State environmental and resource agencies to post on the Internet specified
2/28/97 information regarding meetings, and continue to maintain paper copies of such information.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1170 (Kaloogian) Sponsor: Author**
Subject: **State Regulatory Agencies Created by Statutes: Review**
Intro: Would require the Bureau of State Audits to conduct a performance audit of each State
2/28/97 regulatory agency, with specified exceptions.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1195 (Torlakson) Sponsor: Author**
Subject: **Hazardous Substances: Liability**
Intro: Would require a statement of the reasons for allocating responsibility to each respective
2/28/97 potentially responsible party to include specified factors pertaining to the amount of
hazardous substance for which the potentially responsible party may be responsible, the
degree of the toxicity of the hazardous substance, and the degree of involvement of the
potential responsible party.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1235 (Leach) Sponsor: Author**
Subject: **Administrative Regulations: Adverse Job Creation Impact**
Intro: Would require the State and Consumer Services Agency, commencing on January 1, 1999,
2/28/97 and every four years after January 1, 2003, to establish a schedule to review regulations for
duplication and consistency.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1273 (Woods) Sponsor: CIWMB**
Subject: **Solid Waste Management**
Intro: Would make a number of technical, definitional, and code clean-up provisions regarding solid
2/28/97 waste management.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1393 (Alquist) Sponsor: State Controller's Office**
Subject: **State and Local Government: Performance Audits**
Intro: Would require each State agency to complete a performance audit within two years of the
2/28/97 effective date of the bill.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1409 (Baugh) Sponsor: Caltrans**
Subject: **Governmental Tort Liability**
Intro: Would revise the definition of dangerous condition for the purposes of governmental tort
2/28/97 liability to apply to a condition of property that creates substantial risk of injury when that
property or adjacent property is used with due care by all persons necessary for that risk of
injury to occur and in a manner in which it is reasonably foreseeable that it will be used.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1497 (Brown) Sponsor: Author**
Subject: **State Agencies: Performance**
Intro: Would extend the date of a specified plan, devised by the Department of Finance (DOF), for
2/28/97 conducting performance reviews in conjunction with State agencies, departments offices, and
commissions, to March 1, 1998.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1512 (Shelley) Sponsor: Californians Against Waste**
Subject: **Beverage Containers: Recycling: Beverages**
Intro: Would require the Department of Conservation (DOC) to deposit specified revenue received
2/28/97 resulting from the inclusion of new defined beverages into the Beverage Container Refund
Account.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 1513 (Cardoza) Sponsor: Thermo-Eco-Teck**
Subject: **Income and Bank and Corporation Taxes: Credit: Agricultural**
Intro: Would provide a specified tax credit in an amount equal to \$30 per ton of agricultural
2/28/87 prunings that are delivered without charge to a biomass conversion facility.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Senate Bills

Bill No: **SB 58 (Ayala) Sponsor: Author**
Subject: **State Agencies Legislation**
Intro: Would require every State agency that may be significantly affected by a bill to prepare an analysis of the bill and deliver that analysis to the bill's author and each policy committee set to hear that bill no later than seven calendar days prior to the first hearing in that committee.
12/6/96
Status: Referred to the Senate Governmental Organization Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 74 (Kopp) Sponsor: California Newspaper Publishers Association**
Subject: **Records**
Intro: Would provide for public inspection of public records and copying all forms. SB 74 would further require public agencies to ensure that systems used to collect and hold public records be designed to ensure ease of public access. In the event that an agency decides to withhold a record, or if the withholding is based on the "public interest" as defined, SB 74 would require the agency to state the public interest in disclosure and public interest in nondisclosure.
12/12/96
Amended: 2/24/97
Status: Passed the Senate Judiciary Committee (9-0) on 3/11/97; referred to the Senate Appropriations Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 95 (Ayala) Sponsor: Author**
Subject: **Open Meetings**
Intro: Among other things, would provide State bodies may hold open and closed meetings by teleconference until 1/1/2001; and would include provisions relating to taping meetings, meeting agendas and notices, accessibility to disabled persons, etc.
12/19/96
Amended: 3/6/97
Status: Set to be heard before the Senate Governmental Organization Committee on 3/18/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 105 (Ayala) Sponsor: Author**
Subject: **Water Quality: Contamination**
Intro: Would require all State and local public agencies to notify the public whenever the agency becomes aware of water contamination of the waters of California.
12/24/96
Status: Double-referred to the Senate Environmental Quality Committee and the Senate Criminal Procedure Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 130 (Thompson) Sponsor: Senate Budget Committee**
Subject: **1997-98 Budget**
Intro: Would make an appropriation for support of State government for the 1997-98 fiscal year.
1/9/97
Status: Referred to Senate Budget and Fiscal Review Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 179 (Hughes) Sponsor: Glass Packaging Institute**
Subject: **Processing Fees**
Intro: Would make nonsubstantive technical changes in California Beverage Container Recycling
1/22/97 and Litter Reduction Act provisions relating to imposition of processing fees.
Amended:
3/5/97
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 209 (Kopp) Sponsor: California Law Revision Commission**
Subject: **Judicial Review: Governmental Agency Actions**
Intro: Would repeal and add provisions relating to governing judicial review of decisions of State
1/28/97 agencies, local agencies, public corporations, and specified nongovernmental entities
(hospital boards, etc.).
Status: Set to be heard before the Senate Judiciary Committee on 4/8/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 216 (Brulte) Sponsor: Author**
Subject: **Public Utilities: Electrical Restructuring**
Intro: Would make technical changes in provisions relating to the restructuring of the electrical
1/29/97 services industry.
Status: Senate Committee on Rules for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 252 (Kelley) Sponsor: Regional Council of Rural Counties**
Subject: **Public Utilities: Electrical Restructuring**
Intro: Would require the Energy Resources Conservation and Development Commission to submit
2/4/97 a report to the Governor and the Legislature by January 1, 1999, on recommendations for
legislation relating to aggregation of electrical purchases by small rural counties.
Status: Referred to the Senate Energy, Utilities, and Commerce Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 261 (Kopp) Sponsor: California Law Revision Commission**
Subject: **Judicial Review: Government Agency Actions**
Intro: Would make judicial review of specified State agency and local agency actions subject to the
2/5/97 provisions being added by SB 209 (becomes operative only if SB 209 becomes operative).
Status: Set to be heard before the Senate Judiciary Committee on 4/8/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 320 (Senate Housing and Land Use Committee) Sponsor: Committee**
Subject: **Housing and Land Use Omnibus Act of 1997**
Intro: Would combine several minor statutory changes relating to housing, land use, and related
2/11/97 topics into a single measure. Would include legislative intent regarding straw-bale guidelines.
Status: Set to be heard before the Senate Housing and Land Use Committee on 4/21/97.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 412 (Peace) Sponsor: Author**
Subject: **State Contracts: Conflict of Interest**
Intro: Would declare the provisions of the State Contract Act relating to conflict of interest by
2/18/97 specified individuals or entities shall be expanded to encompass those that bid on or are awarded specific contracts.
Status: Referred to the Senate Energy, Utilities and Communications Committee.
LPEC Position: None at this time
CIWMB Position: None at this time..

Bill No: **SB 423 (Hurtt) Sponsor: Author**
Subject: **Environmental Audit Reports: Privilege: Voluntary**
Intro: Would enact the Environmental Audit Privilege and Voluntary Noncompliance Disclosure Act
2/18/97 of 1997.
Status: Double-referred to Senate Environmental Quality Committee and the Senate Judiciary Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 424 (Hurtt) Sponsor: Author**
Subject: **Environmental Quality**
Intro: Would require an environmental impact report only on projects that are likely to have a
2/18/97 significant effect on the environment.
Status: Referred to the Senate Environmental Quality Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 436 (Sher) Sponsor: Author**
Subject: **Solid Waste: Beverage Containers**
Intro: Would require the CIWMB, in consultation with the Department of Conservation (DOC), to
2/18/97 submit to the Legislature a report identifying any duplication or overlap between CIWMB and DOC programs pertaining to public information and education, local government review and assistance, and recycled materials market development.
Status: Referred to the Senate Environmental Quality Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 448 (Sher) Sponsor: City of Palo Alto**
Subject: **Public Records**
Intro: Would provide that the Public Records Act shall not be construed to require the disclosure of
2/19/97 specified information concerning municipal utility customers except for specified purposes.
Status: Referred to the Senate Judiciary Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 451 (Watson) Sponsor: California State Bar**
Subject: **Land Use: General Plans: Environmental Equity**
Intro: Would require the land use element to include policies and procedures addressing equitable
2/19/97 distribution of locally undesirable land uses, and the fair distribution of burdens within the area, and that avoid disproportionate impacts against low-income communities as well as racial and ethnic minorities.
Status: Referred to the Senate Housing and Land Use Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 458 (Peace) Sponsor: Author**
Subject: **Disclosure of Personal Information**
Intro: Would prohibit a State agency, including the California State University, from sending any
2/19/97 correspondence to an individual that contains personal information about the individual unless the personal information is contained within sealed correspondence.
Status: Referred to the Senate Governmental Organization Committee.
LPEC Position: None at this time
CIWMB Position: None at this time.

Bill No: **SB 479 (Alpert) Sponsor: Professional Engineers.**
Subject: **Public Contracts**
Intro: Would require the State Controller, with respect to contracts for engineering, architectural,
2/20/97 landscape architectural, surveying, environmental, or engineering geology services, to prepare and verify an analysis of the cost of performing the work using State civil service employees and the cost of the contract to be awarded by the State or any State agency.
Status: Referred to the Senate Governmental Organization Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 492 (Rosenthal) Sponsor: Author**
Subject: **State Agencies and Boards: Internet**
Intro: Would require each State agency and regulatory board to provide public information on the
2/20/97 Internet related to suspensions and revocations of licenses issued by a State agency or regulatory board.
Status: Referred to the Senate Governmental Organization Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 504 (Johnston) Sponsor: Author**
Subject: **Administrative Law: Written Communication**
Intro: Would require that any person submitting a written communication to a State agency in a
2/20/97 quasi-judicial proceeding that is directly paid for by anyone other than the person submitting the written communication, clearly indicate any person who is paid for at least \$5,000 or 5 percent of the cost of producing the written communication, whichever is higher.
Status: Referred to the Senate Judiciary Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 598 (Sher) Sponsor: Author**
Subject: **Environmental Protection**
Intro: Would make legislative findings and declarations that protection of the environment is promoted through voluntary environmental compliance audits, that reasonable incentives should be provided to facilities with environmental responsibilities to encourage self-conducted environmental audits, and that environmental protection is promoted through good-faith cooperation between regulatory agencies and regulated communities.
2/24/97
Status: Referred to the Senate Rules Committee.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 647 (Brulte) Sponsor: California Manufacturers Association**
Subject: **Environmental Requirements**
Intro: Would prohibit the assessment of any civil or administrative sanctions against any person who fully discloses a minor violation of an environmental requirement to the regulatory agency having jurisdiction over the matter.
2/25/96
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 660 (Sher) Sponsor: Author**
Subject: **Hazardous Waste Management Fees**
Intro: Would enact the Environmental Cleanup and Reform Act of 1997 and make legislative findings and declarations concerning the State's hazardous waste management program and existing fee and funding mechanisms.
2/25/96
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 675 (Costa) Sponsor: Browning and Ferris Industries**
Subject: **Air Pollution: Odors**
Intro: Would extend the exemption of odors emanating directly from a facility or operations that produce, manufacture, or handle compost from the prohibition of discharging of any air contaminant or other material that causes injury, detriment, nuisance, or annoyance to, or that endangers, a considerable number of persons or the public.
2/25/97
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 681 (O'Connell) Sponsor: Author**
Subject: **Beverage Containers: Processing Fees: Handling Fees**
Intro: Would, as of January 1, 2004, repeal the requirements for the DOC to establish a commingled rate, and would extend the existing procedures for calculating processing fees until January 1, 2004.
2/25/96
Status: Senate Rules Committee for policy committee assignment
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: SB 698 (Rainey) *Sponsor: First Brands*
Subject: Plastic Trash Bags
Intro: Would require every manufacturer of plastic trash bags to ensure that at least 20% and on
2/25/96 and after January 1, 1997, at least 30%, of the materials used in those plastic bags is
recycled plastic postconsumer material.
Status: Senate Rules Committee for policy committee assignment
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: SB 715 (Sher) *Sponsor: Author*
Subject: Environmental Quality: State Guidelines
Intro: Would require that criteria included in guidelines prepared by the Office of Planning and
2/25/96 Research for implementation of the California Environmental Quality Act (CEQA) be
submitted to State agencies for review and comment.
Status: Senate Rules Committee for policy committee assignment
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: SB 716 (Alpert) *Sponsor: Author*
Subject: Pacific Beach Mobile Recycling Program
Intro: Would extend indefinitely the duration of the Pacific Beach Pilot Recycling Program, and
2/25/97 would delete the requirements that a report on the program be submitted to the Legislature.
Status: Senate Rules Committee for policy committee assignment
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: SB 774 (Johannessen) *Sponsor: Author*
Subject: Restoration of Land: Disasters: CEQA Exemption
Intro: Would provide that land and any appurtenant structures, as defined, in need of repairs due to
2/26/97 any natural or manmade disaster or an emergency are exempt from CEQA.
Status: Senate Rules Committee for policy committee assignment
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: SB 878 (Karnette) *Sponsor: City of Lakewood*
Subject: Solid Waste; Diversion Requirements: Waste to Energy
Intro: Would authorize a city, county, or regional agency to submit to the CIWMB a revised source
2/26/97 reduction and recycling element which includes diversion waste credit through waste to
energy to be applied toward specified diversion requirements.
Status: Senate Rules Committee for policy committee assignment
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: SB 906 (Lee) *Sponsor: Black Lawyers of the State Bar*
Subject: County Hazardous Waste Management Plans
Intro: Would require a county's or city's hazardous waste management plan to include specified
2/27/97 information regarding the demographics of the community within a 10-mile radius of each
hazardous waste stream and facility.
Status: Senate Rules Committee for policy committee assignment
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 988 (Sher) Sponsor: Author**
Subject: **Solid Waste Management**
Intro: Would repeal the Used Oil Recycling Act and the Used Oil Collection Demonstration Grant
2/27/97 Program Act of 1990 administered by the CIWMB and would enact certain provisions of the Used Oil Recycling Act as part of the California Oil Recycling Enhancement Act.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1000 (Rosenthal) Sponsor: Author**
Subject: **Future California Act of 1998**
Intro: Would, among other things, establish the Future California Act of 1998, a venue to examine
2/27/97 the State's future in its many dimensions, including demography, industry, environment, policy, international relations and development.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1018 (Leslie) Sponsor: California Cattlemen's Association**
Subject: **Private Property: Illegal Dumping**
Intro: Would provide that in any case involving illegal dumping or littering of waste material on
2/27/97 private property located adjacent to a public road, without the consent of the private property owner, the private property owner shall neither be liable or have the duty to provide for such cleanup.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1034 (Maddy) Sponsor: Bioclean Industries**
Subject: **Waste: Trauma Scene**
Intro: Would enact the Trauma Scene Waste Management Act and would, among other things,
2/27/97 authorize a permitted medical waste transfer station to accept and treat trauma scene management waste as medical waste without additional approval of the Department of Health Services.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1047 (Sher) Sponsor: Author**
Subject: **Environmental Protection: Regulatory Implementation**
Intro: Would enact the California Environmental Protection Agency Regulatory Implementation Act
2/27/97 of 1997 without substantive provisions.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1066 (Sher) Sponsors: City of San Jose, League of California Cities and Californians Against Waste**
Subject: **Solid Waste: Market Development**
Intro: **Would specifically include source reduction in specified legislative findings and declarations relating to the achievement of market development goals set forth by the California Integrated Waste Management Act of 1989 (IWMA).**
2/27/97
Status: **Senate Rules Committee for policy committee assignment.**
LPEC Position: **None at this time.**
CIWMB Position: **None at this time.**

Bill No: **SB 1081 (Calderon) Sponsor: Author**
Subject: **Hazardous Materials: Mediation-Arbitration**
Intro: **Would establish the Environmental Responsibility Acceptance Act, providing for the mediation of potential liability claims for damage to real property by hazardous materials.**
2/28/97
Status: **Senate Rules Committee for policy committee assignment.**
LPEC Position: **None at this time.**
CIWMB Position: **None at this time.**

Bill No: **SB 1093 (Ralney) Sponsor: Governance Consensus Project**
Subject: **State Budget: Performance Measures**
Intro: **Would declare that the State budget shall focus on the results of government services at the State and local levels, that State and local government officials are required to respect existing program evaluation requirements and program performance measures, and the outcome measures are to be realistic and commensurate with the revenue levels for each program.**
2/28/97
Status: **Senate Rules Committee for policy committee assignment.**
LPEC Position: **None at this time.**
CIWMB Position: **None at this time.**

Bill No: **SB 1113 (Solis) Sponsor: Author**
Subject: **Environmental Quality: Ethnic Populations**
Intro: **Would prohibit a lead agency from certifying an environmental impact report prepared under the direction of CEQA, unless it includes an analysis of the impacts of the project on nearby ethnic populations.**
2/28/97
Status: **Senate Rules Committee for policy committee assignment.**
LPEC Position: **None at this time.**
CIWMB Position: **None at this time.**

Bill No: **SB 1114 (Solis) Sponsor: Unknown**
Subject: **Regulatory Programs: Small Business**
Intro: **Would create the Small Business Environmental Regulatory Assistance Center to serve as a "one stop shop" and clearinghouse for information and assistance on environmental regulatory programs affecting small business.**
2/28/97
Status: **Senate Rules Committee for policy committee assignment.**
LPEC Position: **None at this time.**
CIWMB Position: **None at this time.**

Bill No: **SB 1117 (Hayden) Sponsor: Author**
Subject: **Judicial Review: Public Utilities**
Intro: Would express the intent of the Legislature that judicial review of decisions by State agencies,
2/28/97 including the Public Utilities Commission, relating to CEQA, conform to the provisions of that act.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1132 (Polanco) Sponsor: Department of General Services**
Subject: **Public Acquisitions**
Intro: Would repeal the law that provides for a comprehensive scheme for State procurement of
2/28/97 materials, supplies, equipment, and services and establish in its place the California Acquisition Reform Act of 1997.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1157 (Maddy) Sponsor: Department of Conservation**
Subject: **Beverage Containers: Nonprofit Dropoff Programs**
Intro: Would define the terms "nonprofit dropoff program" and "dropoff and collection program" for
2/28/97 the purposes of the California Beverage Container Recycling and Litter Reduction Act.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1175 (Sher) Sponsor: Author**
Subject: **Oil Recycling**
Intro: Would make a technical, nonsubstantive change in the definition of the term "bulk oil" in the
2/28/97 California Oil Recycling Enhancement Act.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1179 (Polanco) Sponsor: Browning and Ferris Industries**
Subject: **Solid Waste Handlers: Indemnity Agreements**
Intro: Would require that any term, condition, or requirement in any franchise, contract, agreement,
2/28/97 license, or permit granted or issued by any city, county, or district for municipal solid waste collection or recycling that requires the solid waste handler, in substance, to indemnify the city, county, or district for fines or penalties imposed by the CIWMB, is subject to specified restrictions or enforceability.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time
CIWMB Position: None at this time.

Bill No: **SB 1196 (Leslie) Sponsor: Alpine County**
Subject: **Solid Waste Management: Local Planning: Report**
Intro: Would make technical and clarifying changes to specified provisions of the California
2/28/97 Integrated Waste Management Act of 1989 which establish a state integrated waste management program.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1216 (Costa) Sponsor: California Biomass Energy Alliance**
Subject: **Personal Income and Bank And Corporation Taxes: Credits: Biomass Energy**
Intro: Would authorize a credit against personal income and bank and corporation taxes for each
2/28/97 taxable and income year beginning on or after January 1, 1997, and before January 1, 2003, in an amount equal to 1 1/2 cents for each kilowatt hour of energy produced by a biomass energy production facility in California during the taxable and income year.
Status: Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1273 (Hurt) Sponsor: Author**
Subject: **State Agencies: Electronic Mail**
Intro: Would provide that any requirement that a State agency send material, information or other
2/28/97 specified correspondence through the United States mail shall be deemed to include the authority for the State agency to send those materials by electronic mail upon the request of the recipient.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1304 (O'Connell) Sponsor: State Controller's Office**
Subject: **State Budget: Zero-Based Budgeting**
Intro: Would establish a task force during the 1998-1999 and 1999-2000 fiscal years to develop a
2/28/97 program of training and education to facilitate zero-based budgeting for the 2000-2001 fiscal year.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1305 (Sher) Sponsor: Author**
Subject: **Public Utilities: Electricity**
Intro: Would require the Power Exchange to require electricity suppliers to submit specified
2/28/97 information on energy fuel types and emissions.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1330 (Lockyer) Sponsor: Cattlemen's Association**
Subject: **Solid Waste: Diversion Requirements**
Intro: Would authorize one or more single or multi-year time extensions from the pre-existing
2/28/97 diversion requirements established by the CIWMB.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 1341 (Costa) Sponsor: Author.**
Subject: **Solid Waste: Local Enforcement Agencies: Appeals**
Intro: Would establish an enforcement program administer by local enforcement agencies certified
2/28/97 by the CIWMB.
Status: Senate Rules Committee for policy committee assignment.
LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SCR 15 (Peace) Sponsor: Author**
Subject: **Public Utilities: Electrical Restructuring: Public Utilities**
Intro: Would create the Joint Oversight Committee on Electricity and Reform to oversee the
2/5/97 implementation of AB 1890, SB 960, and SB 1322.
Amended:
2/20/97
Status: Passed the Senate Floor (35-0) on 2/27/97; referred to Assembly Desk.
LPEC Position: None at this time.
CIWMB Position: None at this time.

State Legislation Subject Index

Agricultural Wastes

| | |
|-------------------|---|
| AB 1513 (Cardoza) | Income and Bank and Corporation Taxes: Credit: Agricultural |
| SB 675 (Costa) | Air Pollution: Odors |
| SB 1216 (Costa) | Personal Income and Bank and Corporation Taxes: Credits: Biomass Energy |

Audits

| | |
|-------------------|---|
| AB 1393 (Alquist) | State and Local Government: Performance Audits |
| SB 423 (Hurt) | Environmental Audit Reports: Privilege: Voluntary |
| SB 598 (Sher) | Environmental Protection |

California Environmental Quality Act

| | |
|----------------------|--|
| AB 175 (Torlakson) | Environmental Quality |
| SB 424 (Hurt) | Environmental Quality. |
| SB 715 (Sher) | Environmental Quality: State Guidelines |
| SB 774 (Johannessen) | Restoration of Land: Disasters: CEQA Exemption |

Department of Conservation/Bottle Bill

| | |
|--------------------|---|
| AB 1512 (Shelley) | Beverage Containers: Recycling: Beverages |
| SB 179 (Hughes) | Processing Fees |
| SB 436 (Sher) | Solid Waste: Beverage Containers |
| SB 681 (O'Connell) | Beverage Containers: Processing Fees: Handling Fees |
| SB 1157 (Maddy) | Beverage Containers: Nonprofit Dropoff Programs |

Energy

| | |
|--------------------|--|
| AB 306 (Kaloogian) | Public Utilities: Electrical Restructuring |
| AB 375 (Firestone) | Solid Waste: Tires |
| SB 216 (Brulte) | Public Utilities: Electrical Restructuring |
| SB 252 (Kelley) | Public Utilities: Electrical Restructuring |
| SB 878 (Karnette) | Solid Waste: Diversion Requirements: Waste to Energy |
| SB 1117 (Hayden) | Judicial Review: Public Utilities |
| SB 1305 (Sher) | Public Utilities: Electricity |
| SCR 15 (Peace) | Public Utilities: Electrical Restructuring: Public Utilities |

Enforcement/Permits

| | |
|-------------------|--|
| AB 592 (Kuehl) | Environmental Protection: Pollution Cleanup |
| AB 1273 (Woods) | Solid Waste Management |
| SB 647 (Brulte) | Environmental Requirements |
| SB 1018 (Leslie) | Private Property: Illegal Dumping |
| SB 1179 (Polanco) | Solid Waste Handlers: Indemnity Agreements |
| SB 1330 (Lockyer) | Solid Waste: Diversion Requirements |
| SB 1341 (Costa) | Solid Waste: Local Enforcement Agencies: Appeals |

Environmental Advertising/Advertising

| | |
|----------------|---------------------------|
| AB 362 (Bowen) | Environmental Advertising |
|----------------|---------------------------|

Fiscal (Budgets, Fees and Revenues)

| | |
|---------------------|------------------------------------|
| AB 107 (Ducheny) | 1997-98 Budget |
| AB 529 (Baldwin) | State Funds |
| AB 775 (Martinez) | Public Agencies: State Funds |
| SB 130 (Thompson) | 1997-98 Budget |
| SB 1093 (Rainey) | State Budget: Performance Measures |
| SB 1304 (O'Connell) | State Budget: Zero-Based Budgeting |

Government Procurement/Waste Management

| | |
|-----------------------|--|
| AB 84 (Woods) | State Contracts: Recycled Products Preferences |
| AB 228 (Midgen) | Newsprint: Recycled Content |
| AB 705 (Strom-Martin) | State and Local Recycling |
| SB 1132 (Polanco) | Public Acquisitions |

Hazardous Waste

| | |
|---------------------|--|
| AB 733 (Washington) | Hazardous Materials: Hazardous and Solid Waste: Public Education |
| AB 1157 (Wayne) | Hazardous Waste |
| AB 1195 (Torlakson) | Hazardous Substances: Liability |
| SB 660 (Sher) | Hazardous Waste Management: Fees |
| SB 1081 (Calderon) | Hazardous Materials: Mediation-Arbitration |

Individual Facilities

| | |
|-----------------|--|
| SB 716 (Alpert) | Pacific Beach Mobile Recycling Program |
|-----------------|--|

Landfill Cover

AB 964 (Bowen)

Solid Waste Landfills: Alternative Daily Cover

Market Development

SB 1066 (Sher)

Solid Waste: Market Development

Miscellaneous

AB 117 (Escutia)
AB 170 (Papan)
AB 206 (Hertzberg)
AB 376 (Baca)
AB 453 (Kuykendall)
AB 475 (Pringle)
AB 1097 (Brown)
AB 1111 (Baugh)
AB 1169 (Shelley)
AB 1170 (Kaloogian)
AB 1409 (Baugh)
AB 1497 (Brown)
SB 58 (Ayala)
SB 95 (Ayala)
SB 209 (Kopp)
SB 261 (Kopp)
SB 412 (Peace)
SB 458 (Peace)
SB 479 (Alpert)
SB 504 (Johnston)
SB 1000 (Rosenthal)
SB 1114 (Solis)
SB 1273 (Hurt)

Air Pollution: Permits
Claims Against the State
Citizen Complaint Act of 1997
Public Contracts
Public Works: Prevailing Wages
Office of Permit Assistance: Reports
Open Meetings
Bid Announcements: Criteria and Specifications
Environmental and Resource Agencies: Posting of Electronic Mail
State Regulatory Agencies Created by Statutes: Review
Governmental Tort Liability
State Agencies: Performance
State Agencies Legislation
Open Meetings
Judicial Review: Governmental Agency Actions
Judicial Review: Governmental Agency Actions
State Contracts: Conflict of Interest
State Agencies: Correspondence Disclosure of Personal Information
Public Contracts
Administrative Law: Written Communication
Future California Act of 1998
Regulatory Programs: Small Business
State Agencies: Electronic Mail

Plastic

SB 698 (Rainey)

Plastic Trash Bags

Planning

SB 451 (Watson)
SB 906 (Lee)
SB 1113 (Solis)

Land Use: General Plans Environmental Equity
County Hazardous Waste Management Plans
Environmental Quality: Ethnic Populations

Public Records

| | |
|--------------------|--|
| AB 179 (Bowen) | Public Records |
| SB 74 (Kopp) | Records |
| SB 448 (Sher) | Public Records |
| SB 492 (Rosenthal) | State Agencies and Regulatory Boards: Internet |

Recyclable Materials

| | |
|------------------|----------------------|
| AB 770 (Margett) | Recyclable Materials |
|------------------|----------------------|

Regulations

| | |
|-----------------|---|
| AB 1235 (Leach) | Administrative Regulations: Adverse Job Creation Impact |
| SB 1047 (Sher) | Environmental Protection: Regulatory Implementation |

Special Wastes

| | |
|---|--|
| AB 847 (Wayne) | Hazardous Waste: Major Appliances |
| AB 1055 (Villaraigosa) | Recyclable Materials: Playground |
| SB 320 (Senate Housing & Land Use Committee) | Housing and Land Use Omnibus Act of 1997 |
| SB 1034 (Maddy) | Waste: Trauma Scene |

Used Oil

| | |
|-------------------------|------------------------|
| SB 988 (Sher) | Solid Waste Management |
| SB 1175 (Sher) Sponsor: | Oil Recycling |

Water

| | |
|----------------|------------------------------|
| SB 105 (Ayala) | Water Quality: Contamination |
|----------------|------------------------------|

Federal Legislation

HR 277 (Schumer, D-NY)

Environmental Crimes and Enforcement Act of 1997

Would increase penalties and strengthen enforcement of environmental crimes.

Status: Introduced January 7, 1997; joint referral to House Committees on Judiciary, Commerce, Agriculture, Transportation and Infrastructure, and Resources.

HR 316 (Solomon, R-NY)

Hazardous Waste Recycling Tax Credit Act of 1997

Would amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous waste.

Status: Introduced January 7, 1997; referred to House Committee on Ways and Means.

HR 360 (Towns, D-NY)

Waste Export and Import Prohibition Act

Would amend the Solid Waste Disposal Act to prohibit the international export and import of certain solid waste.

Status: Introduced on January 7, 1997; referred to the House Committee on Commerce.

HR 688 (Schaefer, Dan (R-CO)

Leaking Underground Storage Tank Trust Fund Amendments Act of 1997

Would amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the leaking underground storage tank trust fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such act.

Status: Introduced on February 11, 1997; joint referral to House Committee on Commerce and House Committee on Ways and Means.

S 8 (Smith, Robert C., R-NH)

Superfund Cleanup Acceleration Act of 1997

Would reauthorize and amend the Comprehensive Environmental Response Liability, and Compensation Act of 1980. The bill would streamline cleanups, delegate authority to states and exempt all generators and transporters at co-disposal landfills, or those that mainly receive municipal solid waste and sewage sludge, for conduct prior to January 1, 1997.

Status: Introduced on January 21, 1997; referred to the Senate Committee on Environment and Public Works.

S 18 (Lautenberg, D-NJ)

Brownfields and Environmental Cleanup Act of 1997

Would assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs. The bill would authorize \$10 million in grants for states and local governments to inventory and assess brownfield sites. Additionally, it would authorize \$15 million in grants for states to establish and capitalize low interest loan programs to clean up the sites and would limit the potential liability of innocent buyers of brownfields.

Status: Introduced on January 21, 1997; referred to the Senate Committee on Environment and Public Works.

S 104 (Murkowski, R-AK)
Nuclear Waste

Among other things, would establish Yucca Mountain as the site for an interim storage facility and would require EPA to issue standards to protect the public from radioactive leaks from a permanent nuclear waste repository.

Status: Introduced on January 21, 1997; public hearing held in Senate Committee on Energy and Natural Resources on February 5, 1997.

S 215 (Jeffords, R-VT)

National Beverage Container Reuse and Recycling Act of 1997

Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers to provide resources for State pollution prevention and recycling programs.

Status: Introduced on January 28, 1997; referred to the Senate Committee on Commerce, Science, and Transportation.

S 237 (Bumpers, D-AR)

Electric Consumers Protection Act of 1997

Would provide for retail competition by December 15, 2000, among electric energy suppliers for the benefit and protection of consumers. Would define "renewable energy" as electricity generated from solar, wind, waste, except municipal waste, biomass, hydroelectric or geothermal resources.

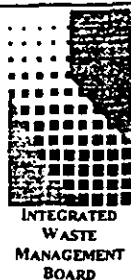
Status: Introduced on January 30, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 297 (Bryan (D-NV)

Nuclear Waste Independent Review Act

Would establish a Presidential commission on nuclear waste.

Status: Introduced on February 11, 1997; referred to the Senate Committee on Energy and Natural Resources.



LEGISLATIVE NEWSFLASH

Newly Introduced Legislation for 1997

A Brief Summary of Selected Legislation

AB 362 (Bowen) Environmental Advertising.

This bill, sponsored by the author, would repeal existing law governing environmental marketing claims and would make it unlawful to use specified terms in representing a consumer product unless that product meets specified definitions or definitions adopted by the Federal Trade Commission.

AB 705 (Strom-Martin) State and Local Recycling. This bill, sponsored by Californians Against Waste, would include building and construction materials as products subject to recycled product procurement requirements. This bill would also re-enact requirements that State agencies buy re-refined automotive lubricants, recycled antifreeze, recycled solvents, and recycled paints. The bill would require every State agency to develop an integrated waste management program by June 1, 1998.

AB 964 (Bowen) Solid Waste Landfills: Alternative Daily Cover. This bill, sponsored by the author, would require the IWMB, when reviewing a local government's source reduction and recycling element and annual

report, to make a finding on whether the local government uses alternative daily cover to meet its source reduction goals. The bill would require any local government so using alternative daily cover to have in place a green waste collection, composting, and marketing program that makes the material available to residential, commercial, and government purchasers.

SB 698 (Rainey) Plastic Trash Bags. This bill, sponsored by First Brands, would repeal requirements, effective January 1, 1996, and January 1, 1997, that plastic bag manufacturers ensure that at least 20% and 30%, respectively, of those bags sold in California are postconsumer material plastic. This bill would also require the IWMB to credit plastic bag manufacturers who certify that they achieved compliance with the 10% recycled content standard by purchasing postconsumer materials from a source in this state, as having used 1.1 pounds for every pound purchased.

SB 1018 (Leslie) Private Property: Illegal Dumping. This bill, sponsored by the California Cattlemen's Association, would establish that, for private property adjacent to a public road, the property owner shall not be liable for the cost of cleanup of illegally dumped waste material and shall not have any duty to provide for such cleanup.

SB 1179 (Polanco) Solid Waste Handlers: Indemnity Agreements. This bill, sponsored by Browning-Ferris Industries, would prohibit local governments from enforcing franchise agreement provisions that require a solid waste handler to indemnify the local government for fines imposed by the IWMB on the local government, except for the following reasons: the solid waste handler has an exclusive franchise within the local government's jurisdiction, the cause of the penalty was the direct result of solid waste handler breach of its contract obligations, and/or the solid waste handler has 60 days to cure the contract breach.

SB 1330 (Lockyer) Solid Waste: Diversion Requirements. This bill, sponsored by the California Cattlemen's Association, would authorize the IWMB to grant local governments multi-year extensions from the diversion requirements of the Integrated Waste Management Act.

Recently Amended Legislation

AB 84 (Woods) State Contracts: Procurement of Recycled Products. Amended 3/10/97. This bill would define "products manufactured with residues from agricultural cropping activities" to include, but not be limited to, copy paper, stationery, newsprint, cardboard, fiberboard, pallets, sheeting, boards, tiles, insulation, and compost. Additionally, AB 84 would implement a pilot program to provide price preferences for products manufactured with residues from agricultural cropping activities.

Results of Hearings

AB 228 (Migden) Newsprint: Recycled Content. Passed the Assembly Natural Resources Committee 11-1 on March 10, 1997. It has been referred to the Assembly Appropriations Committee - no hearing date set.

Upcoming Hearings

The Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee will hear **AB 84 (Woods) State Contracts: Procurement of Recycled Paper Products**, on March 18, 1997, at 9:00 a.m. in Room 447 of the State Capitol.

The Assembly Natural Resources Committee will hear **AB 375 (Firestone) Solid Waste: Tires**, on April 7, 1997, at 1:30 p.m. in Room 437 of the State Capitol.

The Senate Budget and Fiscal Review Subcommittee #2 is scheduled to discuss the IWMB's budget on April 23, 1997, at 9:00 a.m. in Room 112 of the State Capitol.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 28

**ITEM: CONSIDERATION OF STAFF RECOMMENDATION ON THE TWO-YEAR TIME
EXTENSION FOR MEETING THE DIVERSION REQUIREMENTS OF THE
INTEGRATED WASTE MANAGEMENT ACT OF 1989 FOR THE CITY OF GONZALES,
MONTEREY COUNTY**

I. SUMMARY:

The City of Gonzales has requested the California Integrated Waste Management Board (Board) consider a petition for a two-year extension to allow the rural City to meet the Integrated Waste Management Act of 1989 (IWMA) diversion requirements, as allowed under Public Resources Code (PRC) Section 41787.4.

II. PREVIOUS COMMITTEE ACTION:

The Local Assistance and Planning Committee was scheduled to consider this item at its regular monthly meeting held on March 17, 1997. This item was prepared prior to the March 17, 1997 meeting; therefore, the Local Assistance and Planning Committee recommendations will be presented at the Board meeting.

III. OPTIONS FOR THE BOARD:

Board members may decide to:

1. Approve the requested extension.
2. Deny the requested extension.

IV. STAFF RECOMMENDATION:

Staff recommend option one, approval of a two-year time extension for meeting the 1995 diversion requirement of the IWMA for the City of Gonzales.

V. ANALYSIS:

Background

The City of Gonzales has requested the California Integrated Waste Management Board (Board) consider the City's petition for a two-year extension for meeting the Integrated Waste Management Act of 1989 (IWMA) diversion requirement for 1995.

PRC Section 41787.4 states that "...notwithstanding Section 41820, the Board may grant a two-year time extension from the diversion requirements of Section 41780 to a rural city, rural county, or rural regional agency if all of the following conditions are met:

- (a) The board adopts written findings, based on substantial evidence in the record, that adverse market or economic conditions beyond the control of the rural city, rural county, or rural regional agency prevent the rural city, rural county, or rural regional agency from meeting the diversion requirements;
- (b) The rural city, rural county, or rural regional agency submits a plan of correction that demonstrates how it will meet the diversion requirements before the time extension expires, which includes the source reduction, recycling, and composting programs it will implement and states how those programs will be funded;
- (c) The rural city, rural county, or rural regional agency demonstrates that it is achieving the maximum feasible amount of source reduction, recycling, or composting of solid waste within its jurisdiction.

PRC Section 40183 defines "rural city" as:

- (a) An incorporated city which has a geographic area of less than three square miles, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, and which is located in a rural area; or,
- (b) An incorporated city which has a population density of less than 1,500 people per square mile, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, which is located in a rural area.

If the time extension request is approved, the extended goal date year for the City to meet the diversion requirement for the short term would be 1997.

Planning Status

In December of 1995, the City of Gonzales submitted to the Board a Petition for Reduction in the 1995 goal, as well as the City's final SRRE, HHWE, and NDFE. The City's SRRE did not project to meet 25% diversion by 1995 or 50% diversion by the year 2000. The City's SRRE planned projections based on receiving reductions in the 1995 and 2000 diversion goals. Because the Board adopted a policy not to grant retroactive Petitions for Reductions and the SRRE did not project to meet the 25% and 50% diversion goals, the City requested that the Petition for Reduction be withdrawn and the SRRE be temporarily withdrawn until a Petition for Extension could be prepared for 1995 and a Petition for Reduction prepared for 2000.

The Board approved the City of Gonzales' HHWE and NDFE on April 24, 1996.

City Characteristics

The City of Gonzales is located in the southern portion of Monterey County, within the highly productive Salinas Valley. The City is approximately 120 miles south of San Francisco and 16 miles south of Salinas on U.S. Highway 101. The town of Chualar lies directly to the north and the Cities of Soledad, Greenfield, and King City are to the south. The area surrounding the City is predominantly flat and used for agriculture. The City of Gonzales has an agricultural-based economy. The agriculturally related land uses include cattle, agricultural commodities, food packaging, and food-processing plants.

The City of Gonzales had a population of approximately 6,180 people in 1995 (Department of Finance, Demographic Research Unit). The median family income is \$27,948 per the 1990 census. This compares to the State average median family income of \$40,559. The City has an unemployment rate of 18.5 percent. For persons of Hispanic origin, the unemployment rate is 21.6 percent. There is also a significant transient population due to the seasonal employment of agricultural workers. In addition, in 1989, the percentage of Gonzales households that were classified as low- or very-low income was 53 percent.

188

The City of Gonzales meets the criteria to petition the Board for an extension in meeting the diversion requirements of PRC Section 41780.

The City of Gonzales has an area of 1.1 square miles, and a waste generation rate of 5.9 tons per day. Using this generation figure, the City of Gonzales contributes approximately .005% of the State of California's waste stream.

Solid Waste Collection and Disposal

Mandatory waste collection service is provided by Rural Dispos-All Service, a private company operating under a franchise from the City. Waste disposal from Gonzales goes directly to the Johnson Canyon Landfill, which is operated by Rural Dispos-All under a contract from the landfill owner, the Public Works Department of Monterey County. There are no permitted solid waste disposal facilities or sites in the City of Gonzales.

Base Year Diversion Programs

Base year diversion programs identified by the City include:

- Thrift stores and charitable contributions;
- Refillable beverage bottles; and,
- Drop-off centers and AB 2020 centers.

Based on the information collected by Monterey County staff for the 1990 Monterey County SWGS, it was estimated that residential, commercial, and industrial generators located within Gonzales diverted approximately 13 tons of residential waste. No diversion of commercial or industrial waste was identified in 1990. Since 1990, several industries and commercial operators have begun recycling programs, such as cardboard, pallets, tallow, produce, and glass. Because these programs are not City operated or directed, diversion quantities are not required to be quantified.

Current Diversion Programs

189 All base year diversion programs are currently operating. The City actively participates in a recycling program at Johnson Canyon Landfill. Mixed paper, office paper, newspaper, cardboard, glass, plastic, and tin are regularly taken to recycling bins located at the Johnson Canyon Landfill. The City periodically advertises this recycling drop-off location through mailings, newspaper articles, public access closed circuit television, and at the counter and over the phone at City Hall. The City also actively participates in taking its California beverage redemption containers, as well as aluminum, plastic, glass, tin, batteries, and newspaper, to the G&L

Recycling buyback center at the Gonzales Shopping Center. The City has also advertised this redemption center.

In conjunction with the other three South Monterey County cities (Greenfield, Soledad, King City), a public outreach program was initiated November 1, 1995, which includes monthly advertising in English and Spanish newspapers regarding source reduction. This was made possible through a grant awarded by the League of California Cities and the CIWMB.

In addition, CALMAX is made available to the public at the counter at City Hall and is periodically mailed at various times to industrial and commercial businesses in Gonzales. Plans are also being made to arrange a composting workshop/demonstration for residents, making available backyard composting bins at cost or reduced price.

Proposed Diversion

Although the City's SRRE did not project to meet 25% by 1995, it does project to meet a 26% diversion rate by the year 1997 through implementation of the following programs:

Source Reduction:

- Backyard composting;
- Source reduction education for residential, commercial, and industrial generators;
- Governmental waste reduction and procurement policies;
- Variable can rates and other rate structure changes to provide an economic incentive for all types of generators to reduce waste generation rates;
- Tipping fee differential that makes landfill disposal fees higher than recycling and composting fees in order to create an economic incentive to recycle and compost;
- Program monitoring and evaluation.

Recycling:

- Commercial, industrial, governmental, and school recycling programs which emphasize source-separated collection;
- Drop-off and/or buy-back centers;
- Public area recycling in which separate recycling receptacles are provided in high traffic public areas and during special events;
- Market development activities to increase the use of recyclable and recycled products and to create an economic climate which

attracts industries that use recycled-content feedstock. To this end, Monterey County has been designated as a State-sponsored Recycling Market Development Zone;

- Single family curbside recycling (medium term)
- Program monitoring and evaluation.

Composting:

- Consumer education efforts to support source-separation efforts and to promote the use of compost
- Market development activities, including promoting agricultural compost markets and governmental procurement policies to promote use of compost products by public agencies and contractors.

City Staff, Funding, and Economy

Since the passage of AB 939, the City has not increased its staffing levels. In fact, no additional staffing has been added to the Public Works Department since 1974. At that time, the population was 2,676.

The Planning Department consists of one full-time employee. The small size of the Planning Department has a direct effect on the City's ability to have adequate management staff time to devote to implementing effective reduction strategies. Currently the AB 939 implementation responsibility falls on the City's one Planning Department employee. The management time required to meet the 25 percent goal by 1995 is being added to a staff person who is already overburdened and a budget that is meeting the bare minimum in operating costs.

The City does not budget funds for solid waste functions. All elements of the City's refuse collection and disposal operation are conducted by the private sector. Outside of a direct tax increase, the City does not have a revenue stream to use or expand to generate the revenue needed to subsidize AB 939. The City has also had difficulty implementing recycling programs due to conflict with the City's current contract for disposal services. When the City's contract expires this June, the City will request new bids for waste hauler services. The City has informed Board staff that the City is requesting recycling programs, which include school, post office, and residential curbside collection, be included in the scope of waste services. This will assist the City in meeting the 25% goal by 1997.

141 As noted previously, the City of Gonzales is an agricultural-based city with a relatively high fluctuation in population due to seasonal

farm workers. This has also posed a problem for the City in targeting participation in diversion programs by this population.

In the City, the more cost-effective recyclable materials, such as aluminum and cardboard, are being handled by the private market. The City does not have a large newspaper percentage. Currently, mixed paper and office paper are being collected; however, the markets for these materials are extremely poor at this time and the City is experiencing difficulty in getting these materials recycled. The largest category of waste is organic material. Running a full scale composting operation is too expensive for the City to maintain at this time, but current plans call for utilization of a full scale composting operation by the end of the medium term. The City's efforts to implement successful diversion programs and achieve 25% diversion by 1995 have been hindered by the City's limited funding, staff, undeveloped markets in the region, and the nature of being a small, rural city.

Conclusion

In April, 1996, the Board voted to deny retroactive Petitions for Reductions for the 25% diversion requirement of 1995 and consider issuing a two-year time extension as allowed by PRC Section 41787.4.

The City of Gonzales qualifies, under the conditions of PRC Section 40183 and 41787.4, to petition for an extension in meeting the diversion requirements. Board staff have reviewed the City of Gonzales' Petition for Extension and supporting documentation and feel that the conditions specified in PRC Section 41787.4 have been met. Board staff believe that a two-year extension in meeting the 1995 diversion requirement for the City of Gonzales is justified.

VI. ATTACHMENT:

1. Resolution # 97-82: Approval of a two-year time extension for meeting the 1995 diversion requirement of the IWMA for the City of Gonzales, Monterey County

VII. APPROVALS:

| | | | | |
|---------------|-----------------------------|-----------|------------|-----------------|
| Prepared By: | <u>Tabetha Willmon</u> | <u>SW</u> | Phone: | <u>255-2316</u> |
| Reviewed By: | <u>Toni Terhaar</u> | <u>TT</u> | Phone: | <u>255-2304</u> |
| Reviewed By: | <u>Lorraine Van Kekerix</u> | <u>LK</u> | Phone: | <u>255-2670</u> |
| Reviewed By: | <u>Judith Friedman</u> | <u>JF</u> | Phone: | <u>255-2302</u> |
| Legal Review: | <u></u> | <u>EB</u> | Date/Time: | <u>3/14/97</u> |

ATTACHMENT

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION No. 97-82

FOR CONSIDERATION OF APPROVAL OF A TWO YEAR TIME EXTENSION FOR MEETING THE AB 939 MANDATED DIVERSION REQUIREMENT FOR 1995 FOR THE CITY OF GONZALES, MONTEREY COUNTY

WHEREAS, Public Resources Code (PRC) Sections 41787.4, et seq., allows the board to grant a two year time extension from the diversion requirements of PRC Section 41780 to rural cities, rural counties, and rural regional agencies if all of the following conditions are met:

- (a) The board adopts written findings, based on substantial evidence in the record, that adverse market or economic conditions beyond the control of the rural city, rural county, or rural regional agency prevent the rural city, rural county, or rural regional agency from meeting the diversion requirements.
- (b) The rural city, rural county, or rural regional agency submits a plan of correction that demonstrates how it will meet the diversion requirements before the time extension expires, which includes the source reduction, recycling, and composting programs it will implement and states how those programs will be funded.
- (c) The rural city, rural county, or rural regional agency demonstrates that it is achieving the maximum feasible amount of source reduction, recycling, or composting of solid waste within its jurisdiction; and,

WHEREAS, PRC Section 40183 defines a rural city as either of the following:

- (a) An incorporated city which has a geographic area of less than three square miles, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, and which is located in a rural area; or,
- (b) An incorporated city which has a population density of less than 1,500 people per square mile, has a waste generation rate of less than 100 cubic yards per day, or 60 tons per day, which is located in a rural area; and,

WHEREAS, Title 14 of the California Code of Regulations (CCR) Section 18774.5 allows for qualifying jurisdictions to petition the Board for extensions in the planning and diversion

requirements and specifies the procedure for requesting and granting extensions; and,

WHEREAS, the Board received a Petition for Extension in the diversion requirements from the City of Gonzales; and,

WHEREAS, the City of Gonzales qualifies based on small geographic size and small quantity of solid waste generated within the City; and,

WHEREAS, the City has complied with Title 14 of the CCR Section 18774.5; and,

WHEREAS, the Board finds that the request for a two-year extension in the diversion requirements to allow the City of Gonzales to achieve 25% by 1997 is reasonable; and,

WHEREAS, based on review of the requested time extension, Board staff found that all of the foregoing requirements have been satisfied and that the request for the extension substantially complies with PRC 41787.4, et seq., and recommends its approval;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves a two-year time extension for the City of Gonzales, Monterey County. The City is required to meet the diversion goals of the Integrated Waste Management Act of 1989 for the short-term by 1997.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

March 26, 1997

AGENDA ITEM 31

**ITEM: CONSIDERATION OF SCORING CRITERIA AND EVALUATION
PROCESS FOR THE 1997/98 LOCAL GOVERNMENT USED OIL
OPPORTUNITY GRANT**

I. SUMMARY

This item presents the scoring criteria and evaluation process for the fourth cycle (1997/98) of the Local Government Used Oil Opportunity Grant Program. In September 1996, the Board approved the standardized general review criteria for competitive grant programs, and a procedure for presenting the criteria and evaluation process to the Committee and Board for consideration. This procedure calls for staff to assign points to the general review criteria based on program mission. Staff has assigned points to each criterion, and developed an evaluation method that follows this procedure.

II. PREVIOUS COMMITTEE ACTION

This item will be presented at the March 17, 1997 Local Assistance and Planning Committee. At the time this item went to print, the Committee had not met.

III. OPTIONS FOR THE BOARD

Board members may wish to:

1. Approve the Local Government Used Oil Opportunity Grant scoring criteria (Attachment 2) and evaluation process, and adopt Resolution 97-100 (Attachment 3); or
2. Direct staff to revise the scoring criteria and evaluation process.

IV. STAFF RECOMMENDATIONS

Staff recommends Option 1; approve the proposed scoring criteria and evaluation process.

V. ANALYSIS

Background

The California Oil Recycling Enhancement Act authorizes the Board to offer grants to local governments. One of these grants is the Used Oil Local Government Opportunity Grant (Opportunity Grant). Pursuant to Public Resources Code (PRC) §48632(a), the Board awards grants to local governments for establishing or enhancing used oil collection programs. Staff estimates that \$8 million will be available from the Used Oil Recycling Fund according to the allocation formula described in PRC §48656 (Attachment 1). The grant term will be 18 months, and the maximum award will be \$500,000 per jurisdiction.

During the first cycle (June 1994 - June 1996) about six million dollars was expended. Fifty-one grantees completed projects that established 314 permanent used oil collection opportunities. Over 830,000 gallons of used oil were collected through these new opportunities just during the grant term. These new collection sites provided the infrastructure necessary for these local governments to establish permanent used oil recycling programs. Furthermore, these grants funds were used to lay the ground work for public education campaigns which included educational videos, brochures, and used oil recycling program themes.

In the second cycle (June 1995 - March 1997) \$8.3 million was awarded to 77 grantees. These grant funds were used primarily to further build out the State's infrastructure by adding more permanent collection opportunities. Local and regional public education programs were expanded accordingly to take full advantage of the growing used oil recycling infrastructure.

The third cycle of the Opportunity Grant Program began in June of 1996 and is still underway. Forty-three grantees were awarded \$6.7 million. The focus for this cycle of the opportunity grants was to provide more collection opportunities in the underserved and rural areas, and to enhance existing used oil recycling programs. Additionally, many jurisdictions are further expanding public education and media outreach programs.

For the fourth cycle of the Opportunity Grant Program, the criteria will be weighted toward those proposals that identify and describe how to overcome the barriers that prevent them from taking their programs to the next level. Heavy emphasis will be placed on providing funds to jurisdictions that can demonstrate an essential local need that cannot be met through local or state funding sources.

Key Issues

Proposed Scoring Criteria and Process

As required by the procedure for presenting the scoring criteria and evaluation process to the Board, staff assigned point values to each category of the general review criteria (as shown in Attachment 2). Emphasis was placed on need for the project as well as proposed methodology and project evaluation. The proposed evaluation process is as follows.

After the close of the application period, Grants Administration Unit staff perform initial data entry and a completeness review on each application. Program staff will then convene review panels consisting of Board Staff involved with the Used Oil Recycling Program, including staff from the Grant Administration Unit. A meeting will be held with the panel members to explain the scoring criteria and evaluation process, including a detailed scoring structure.

Panel members will review and evaluate each proposal assigned to them using the scoring criteria listed in Attachment 2. They will subsequently meet to discuss individual scores and develop final scores for each proposal. The lead staff person from each panel will meet to discuss the scores to ensure that the criteria were applied equitably between the panels. Proposals will be ranked according to the number of points received out of 150 possible points. A minimum score of 70% (105 points) must be attained to be eligible for funding. In the event there is insufficient funding available for all qualified applicants, the highest ranked proposals will have funding priority.

Tentative Schedule

| DATE | ACTION |
|--------------------|--|
| March 26, 1997 | Board adopts scoring criteria/evaluation process |
| April 1997 | Staff mails NOFAs and application packages to interested parties |
| June 30, 1997 | Applications are due to the Board |
| September 25, 1997 | Board considers funding recommendations |
| November 1, 1997 | Grantees initiate work on projects |
| April 30, 1999 | Grantees complete work on projects |

VI. ATTACHMENTS

Attachment 1: Used Oil Fund Allocations
Attachment 2: Scoring Criteria
Attachment 3: Resolution 97-100

VII. APPROVALS

Prepared by: Caroll Mortensen *CM* Phone: 255-2370
Reviewed by: Shirley Willd-Wagner *SWW* Phone: 255-2343
Reviewed by: Mitch Delmage *MD* Phone: 255-4455
Reviewed by: Judith Friedman *JF* Phone: 255-2376

USED OIL FUND ALLOCATIONS DESCRIPTION

The following presents a description of how monies from the Used Oil Recycling Funds are allocated pursuant to Public Resources Code section 48656 which reads:

"After all of the expenditures pursuant to Section 48653 have been made, notwithstanding paragraph (4) of subdivision (a) of Section 48653, the balance remaining in the fund shall be available to the board for expenditure solely for the implementation of subdivisions (b) and (c) of Section 48631 and Sections 48632 and 48660.5. The board shall not expend more than two hundred thousand dollars (\$200,000) to implement Section 48660.5 and at least 40 percent of the money remaining in the fund shall be expended for the purposes of subdivision (a) of Section 48632, at least 10 percent shall be expended for the purposes of subdivision (b) of Section 48632, at least 20 percent shall be expended for the purposes of subdivision (c) of Section 48631, and at least 10, but not more than 15, percent shall be expended for the purposes of subdivision (c) of Section 48632."

Revenues to the Board are provided from oil manufacturer payments of \$0.16 per gallon of lubricating oil sold or transferred for use in the State. Industrial oils are exempt. Sales amount to about 140 million gallons annually resulting in over \$22 million in revenues.

The primary expenditures from the fund include payment of recycling incentives to program participants, up to \$3 million to the Board for direct administration costs, a Budget Act appropriation to the Department of Toxic Substance Control (DTSC) for reporting costs, and up to \$1 million in reserve. Following these expenditures, \$10 million (or 1/2 of the remaining funds, whichever is greater) is available for block grants to local governments.

After the above expenditures and indirect administration costs have been made (e.g., filter pilot, CalEPA appropriation), the remaining monies are available to the Board solely for the following: up to \$200,000 for contaminated oil payments; at least 40% for opportunity grants to local governments; at least 20% for statewide education and information; at least 10% for grants to non-profit entities; and (after 1/1/97) at least 10% but not more than 15% for research, testing and demonstration grants.

The following table illustrates how used oil funds are allocated pursuant to the California Oil Recycling Enhancement Act. The first column lists the description of the line item from the fund. The second column indicates the specific dollar amount or percentage of money in the account allocated to that particular line item. The third column list the statutory authority for the expenditure.

Attachment 1 (cont.)

USED OIL FUND ALLOCATIONS

Revenues

| | | |
|---------------------------|-----------------------------------|-------------|
| Oil Manufacturers Payment | 16¢ per gallon of lubricating oil | PRC § 48650 |
|---------------------------|-----------------------------------|-------------|

Primary Expenditures

| | | |
|---------------------------------------|-----------------------|-------------------|
| Recycling Incentive Payment | ~ \$2,400,000 FY96/97 | PRC § 48653(a)(1) |
| Reserve | ≤ \$1,000,000 | PRC § 48653(a)(2) |
| Administration appropriation (direct) | ≤ \$3,000,000 | PRC § 48653(c) |
| DTSC reporting appropriation | ~ \$222,000 FY96/97 | PRC § 48661 |

Secondary Expenditure

| | | |
|-------------------------------|------------------------|-------------------|
| Local Government Block Grants | \$10,000,000 available | PRC § 48653(a)(3) |
|-------------------------------|------------------------|-------------------|

Tertiary Expenditures

| | | |
|--|------------------------------------|---|
| Administration appropriations (indirect) | ~ \$388,000 FY96/97 | PRC § 48695 et al. |
| DTSC enforcement contract | up to \$250,000 | PRC § 48653 (d) |
| Contaminated Oil Payments | up to \$200,000 available | PRC § 48656 PRC § 48660.5 |
| Local Governments Opportunity Grants | ≥ 40% of funds remaining | PRC § 48656 PRC § 48632(a) |
| Statewide Education & Public Outreach | ≥ 20% of funds remaining | PRC § 48656 PRC § 48631(c) |
| Non-Profit Grants | ≥ 10% of funds remaining | PRC § 48656 PRC § 48632(b) |
| Research, Testing and Demonstration Grants | ≥ 10% but < 15% of funds remaining | PRC § 48656 (amended) PRC § 48632(c) |

CIWMB GRANT SCORING CRITERIA

ELIGIBILITY and MINIMUM QUALIFICATIONS SECTION: Eligible applicants are limited to local governments as defined under PRC Section 30109.

| Points | Description |
|--|---|
| GENERAL REVIEW CRITERIA: <i>Must attain a minimum score of 70% to be considered for funding (minimum of 105 points of 150 possible)</i> | |
| 40 | <p>1. NEED – Grant proposal clearly describes and demonstrates the local or statewide need for the project and the benefits and end products resulting from the project. For example, proposal:</p> <ul style="list-style-type: none"> ■ Provides convincing reasons why the project should be funded ■ Addresses identified gap in service availability or current unmet need ■ Describes and documents the problem ■ Supports the existence of the problem with surveys, studies ■ Adequately describes any health and safety threats or environmental concerns |
| 25 | <p>2. OBJECTIVES – Work Statement and grant narrative are sufficiently detailed to determine that the project:</p> <ul style="list-style-type: none"> ■ Is based on the identified need described in the narrative ■ Describes specific and measurable goals and objectives ■ Demonstrates that objectives can be achieved within indicated time frame |
| 30 | <p>3. METHODOLOGY – Grant proposal describes by task the activities to be undertaken to achieve the objectives. For example, proposal:</p> <ul style="list-style-type: none"> ■ Describes why the proposed activities are the best way to address the identified need ■ Describes in detail how the objectives will be met with available time and resources ■ Identifies staffing required to carry out the proposed project ■ Describes involvement of cooperating organizations ■ Presents a specific plan for future funding, if applicable |
| 20 | <p>4. EVALUATION – Grant proposal describes a method to evaluate the success of the project and determine whether objectives were accomplished. For example, proposal:</p> <ul style="list-style-type: none"> ■ Includes both process and outcome evaluation ■ Describes a method for evaluating and modifying methods during project implementation ■ Describes clearly the criteria for determining success ■ States who will be responsible for the evaluation ■ Explains any statistical tests or questionnaires to be used ■ Describes any evaluation reports to be produced |
| 25 | <p>5. BUDGET – Grant proposal demonstrates that the project is cost effective in relation to the location, source, quality, and quantity of targeted wastes. For example:</p> <ul style="list-style-type: none"> ■ Budget itemization is sufficiently detailed to determine that proposed expenses are reasonable ■ Quotes, estimates, or other documentation to support the costs claimed are provided ■ All program tasks described in the Work Statement and narrative are itemized in the budget ■ Cost savings are described, e.g., use of volunteer labor, in-kind services, recycling options, use of existing promotional materials etc. ■ Budget items for miscellaneous, contingency, or managerial costs are clearly described and kept to a minimum |
| 10 | <p>6. COMPLETENESS, LETTERS OF SUPPORT, EXPERIENCE, ETC. – Grant Proposal is clearly presented and complete as required in the application instructions including adherence to all specified deadlines. Includes evidence that the applicant or its contractor(s) have sufficient staff resources, technical expertise and experience successfully managing grant programs, to carry out the proposed project. For example, proposal:</p> <ul style="list-style-type: none"> ■ Includes letters of support for the project ■ Addresses ability of the applicant to coordinate contracted activities, if applicable ■ Includes resumes, endorsements, references, etc. ■ Describes past grants received from CIWMB and relationship to current proposal |

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 97-100

**APPROVAL OF 1997/1998 LOCAL GOVERNMENT USED OIL OPPORTUNITY GRANT
SCORING CRITERIA AND EVALUATION PROCESS**

WHEREAS, the California Oil Recycling Enhancement Act requires the Board to adopt a used oil recycling program which promotes and develops alternatives to the illegal disposal of used oil; and

WHEREAS, Public Resources Code Section 48632(a) requires the Board to issue grants to local governments for providing opportunities for used lubricating oil collection oil; and

WHEREAS, in September 1996, the Board approved standardized general review criteria for competitive grant programs and a procedure for presenting the criteria and evaluation process to the Board.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board approves the Scoring Criteria and Evaluation Process for the fourth cycle (1997/1998) of the Local Government Used Oil Opportunity Grant Program.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler, Executive Director
California Integrated Waste Management Board

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

March 26, 1997

AGENDA ITEM 32

ITEM: Consideration of the Measurement Accuracy Issues Working Group's Recommendations for Correcting Base-Year and/or Reporting-Year Inaccuracies

I. SUMMARY

In January 1996, the Local Assistance and Planning Committee (LAPC) authorized the formation of the Measurement Accuracy Issues Working Group (Working Group) to address inaccuracies in jurisdictions' solid waste measurements in relation to AB 939 goal achievement requirements. The Working Group met throughout 1996 and in early 1997 to develop solution options for correcting inaccurate data.

This item presents the Working Group's final recommendations which include a flexible range of options. These proposed options would allow a jurisdiction to select what they believe to be the most cost-effective option(s) for increasing the accuracy of their base-year and/or reporting-year data. As a result, California Integrated Waste Management Board (Board) staff will be able to complete their analyses of the goal measurement calculations included in the 1995 annual reports following the Board's action on this item.

The Working Group recommends that Board staff develop assistance tools, such as a solid waste generation computer modeling system and a diversion study guide, that jurisdictions could use in quantifying more accurate generation tonnage while minimizing associated costs. The Working Group also recommends the Board endorse some regulatory and statutory revisions that would increase the accuracy of the reporting system and/or the effectiveness of jurisdictions' efforts toward meeting their diversion goals.

In a separate planning committee item for this month, numerous strategies for achieving the 50% diversion goal are proposed. Among those are two strategies (25 and 26) that touch on methods for resolving measurement inaccuracies discussed in this item.

II. PREVIOUS COMMITTEE ACTION

In 1995, the LAPC directed staff to mail an agenda item regarding staff's investigative survey on base-year accuracy concerns to all jurisdictions for review and comment.

At its January 1996 meeting, the LAPC authorized the formation of the Working Group to address solid waste measurement accuracy issues.

III. OPTIONS FOR THE BOARD

1. Approve staff's recommendation as proposed.
2. Direct staff to revise the recommendations.

IV. STAFF RECOMMENDATION

Staff recommends the Board approve the Working Group's proposed solution options; approve their request for Board staff to develop additional tools to assist jurisdictions with measurement inaccuracies; and endorse the proposed regulatory and statutory revisions.

V. ANALYSIS

Relationship to Other Work at the Board

The separate March 1997 LAPC agenda item presenting multiple strategies for achieving the 50% diversion mandate includes two strategies that touch on topics discussed in this item. Strategy number 25 discusses measuring goal achievement by areas larger than individual jurisdictions; this item discusses the current option jurisdictions have to form regions for measuring goal achievement. Strategy number 26 discusses allowing jurisdictions to use a new base-year as a way to resolve base-year inaccuracies; this item also includes that method as a recommended option.

In addition, one of the most important tools the Working Group recommends Board staff develop is a solid waste generation computer modeling system to further assist jurisdictions in quantifying more accurate generation tonnage while minimizing associated costs. Board staff has spent extensive time in cooperation with waste

haulers, local jurisdictions, and private consultants to develop such a model. A contract concept currently under consideration for the 1997-1998 fiscal year would provide the necessary funding for completion of the solid waste generation computer model.

Initial Investigation

Since 1994, Board staff have heard jurisdictions express concern regarding the accuracy of existing base-year data. As jurisdictions began to compare their original base-year data against more current disposal records, apparent discrepancies became evident. Board staff's initial response was to conduct a telephone survey of jurisdictions throughout the state to investigate these concerns. Results of this investigation were presented to the LAPC and mailed to all jurisdictions in November 1995 in the document, "Staff Findings on Accuracy Problems in the Solid Waste Generation Studies' Base-Year Data." A presentation was also made to the Local Government Technical Advisory Committee (LGTAC).

The investigation determined there was significant concern by jurisdictions throughout the state regarding their base-year data's accuracy; however, the potential magnitude of the errors could not be ascertained. The most common problem identified in the survey was the allocation of countywide tonnage to individual jurisdictions. Other significant problems noted included the lack of scales at disposal facilities during the base-year (resulting in the use of estimated tonnage), and understated diversion tonnage due to difficulties in quantifying these amounts.

Formation of the Working Group

As a result of staff's findings, in January 1996 the LAPC authorized the formation of the Working Group to address the base-year accuracy concerns. The scope of the Working Group was soon expanded to also address concerns raised by jurisdictions with their 1995 disposal reporting information, and apparent discrepancies between this information and their base-year data.

The Working Group includes approximately 25 members comprised of city and county staff, as well as some private waste management personnel, from throughout the state. In addition, over 100

interested parties, including LGTAC receive meeting minutes for review and comment.

Base-Year Inaccuracies

The California Waste Management Act of 1989 (Act) required local governments to prepare planning documents for achieving the 25% diversion goal of 1995 and the 50% diversion goal of 2000. These plans included a solid waste generation study that quantified the amounts and identified the types of solid waste disposed and diverted from each jurisdiction in its base-year. After Board approval of their planning documents, jurisdictions are required to submit annual reports to the Board which demonstrate the progress being made toward achieving the established diversion goals. Originally, the Act required jurisdictions to measure the amount of waste generated (i.e., disposal plus diversion) in 1995 and 2000 to demonstrate compliance. But in 1992, Assembly Bill 2494 amended the Act, eliminating the need for future generation measurements by establishing a standard methodology for a disposal reduction measurement system.

The disposal reduction measurement system, as addressed in statute, estimates a reporting-year generation tonnage by adjusting the base-year generation for changes in population and economics between the base-year and reporting-year using the Board-approved adjustment method. The estimated reporting-year generation multiplied by 75% (i.e., the estimated maximum disposal amount) is then compared to the actual reporting-year disposal tonnage to determine the rate of diversion achieved based on the calculated disposal reduction.

In 1995, local governments were required to implement a state-mandated disposal reporting system to quantify the annual disposal tonnage for each jurisdiction. Prior to this time, there was no system for measuring waste disposal at the jurisdiction level. Instead, there were only state requirements for tracking quarterly disposal tonnage at the landfill level, which usually represented waste disposed from multiple jurisdictions. As a result, many inaccurate assumptions were made in the base-year waste generation studies to allocate tonnage down to the jurisdiction-specific level. For example, many counties used population ratios to allocate countywide tonnage.

Additionally, many landfills were not equipped with scales prior to 1995, so disposal tonnage had to be estimated. Methods to estimate the disposal tonnage included visual estimations, estimates based on aerial photos, the use of published volume-to-weight conversion factors, or actual measured volume-to-weight conversion factors. Further, many jurisdictions relied primarily on franchised hauler data to determine their base-year disposal data and omitted or understated self-haul or non-licensed hauler tonnage. Thus, although based on the best available data at the time, the base-year data included inaccuracies due to estimation errors, mis-allocations of regional tonnage to individual jurisdictions, and/or omissions of significant portions of the non-franchised waste stream. Many of the 1995 annual reports prepared-to-date include base-year revisions to correct for these types of errors.

As discussed above, the disposal reduction measurement system calculates a diversion rate based on the disposal reduction calculations. The disposal reduction calculations are based on a comparison of the adjusted base-year generation (an estimate of the reporting-year generation) with the actual reporting-year disposal. Large errors which understate base-year generation can result in exceedingly low diversion rates. Thus, inaccuracies in the base-year data can have a significant adverse impact on the calculated diversion rate. Therefore, base-year inaccuracies could negatively impact jurisdictions' ability to quantitatively demonstrate their actual progress toward achieving the 25% diversion goal of 1995 and the 50% diversion goal of 2000.

Reporting-Year Inaccuracies

The Working Group also examined measurement accuracy issues related to the reporting-year disposal tonnage from the Disposal Reporting System (DRS). The DRS regulations established minimum reporting standards which require at least a one week per quarter origin survey to be conducted at all permitted solid waste facilities. Although the disposal reporting data has proven useful to jurisdictions investigating base-year inaccuracies, many jurisdictions believe the reporting-year data does not accurately estimate their waste disposal.

The most common concern noted by jurisdictions submitting reporting-year revisions in the Annual Reports was that the quarterly disposal

estimate based on a one week survey did not reconcile with data received from franchised or permitted haulers. The issue of a one week survey not being representative of a jurisdiction's total disposal for the entire quarter may be of particular concern to small jurisdictions and jurisdictions that do not have another source of data for comparison. Small jurisdictions generate fewer loads during the survey week and so are disproportionately affected by any change in disposal patterns that occurs during the survey week. Jurisdictions that do not have another source of disposal data (such as data from a franchised or permitted hauler) can not easily make reporting-year revisions in their annual reports.

Another common concern expressed was that the origin information provided was not accurate, and so disposal tonnage were not assigned to the correct jurisdiction. This concern frequently involved loads containing waste from more than one jurisdiction or uncertainty over jurisdiction boundaries.

These reporting-year inaccuracies, if not adequately resolved, may result in a jurisdiction's reported disposal being too high or too low. A jurisdiction that is assigned a reporting-year disposal quantity that is too high may have difficulty quantitatively demonstrating progress towards achievement of the diversion goals. A jurisdiction that is assigned a reporting-year disposal quantity that is too low may make program implementation or budget decisions based on an artificially high diversion rate. As the accuracy of disposal reporting improves, such a jurisdiction may have difficulty quantitatively demonstrating progress towards achievement of the 50% diversion goal.

Working Group Progress

The first Working Group meeting was held in March 1996. The focus of this meeting was to identify and categorize the types of accuracy problems. The meeting minutes included an extensive table that summarized these problem types and categories. Although most of the problems identified are relevant to urban/rural jurisdictions throughout the state, it should be noted that these problems are compounded in the Los Angeles area due to the large number of waste haulers/landfill operators servicing this densely populated area, and the difficulties in distinguishing jurisdictional boundaries.

The next Working Group meetings (one in Northern, and one in Southern California) were held in June 1996. The focus of these meetings was to develop some initial assistance for jurisdictions working on their first annual reports which were due on August 1, 1996. Subsequently, a guidance document was mailed to all jurisdictions with instructions on where to begin investigating data problems and included examples of specific data correction methods that jurisdictions could use.

The next Working Group meetings were conducted in October 1996. The focus of these meetings was to discuss alternative solutions for base-year and reporting-year data problems that could not be corrected. This was in response to concerns some jurisdictions were expressing regarding barriers they faced to correcting their base-year or reporting-year data, such as the unavailability of source information and the time/cost intensiveness of the investigative process.

The focus of the most recent meetings, held in January and February 1997, was to develop a proposed list of acceptable/unacceptable base-year and reporting-year revision methods, with specified criteria for the acceptable methods. Staff had analyzed the types of base-year and reporting-year revisions submitted in the annual reports prior to the meetings and provided an initial evaluation to the Working Group for discussion purposes. Based on the Working Group discussions, the list of methods were revised and sent to all Working Group members, interested parties, and LGTAC for a final review and comment period.

A discussion of the comments received during the final review and comment period, and Board staff's response, will be available at the time of the March 17 LAPC. Based on this and the Board's direction, staff can proceed to finalize their analyses of jurisdictions' goal achievement calculations for 1995 as reported in their 1995 annual reports. Staff will continue to work with jurisdictions that need further assistance in correcting base-year or reporting-year data.

Working Group Recommendations

A) Solution Options

The Working Group recommends that a jurisdiction dealing with inaccurate base-year and/or reporting-year data be allowed to select from a flexible range of solution options. These proposed options would allow a jurisdiction to select what they believe to be the most cost-effective option(s) for increasing their base-year and/or reporting-year accuracy. The potential solution options are described below and are summarized in the following table.

Base-Year

The first option, to correct the existing base-year data, is the starting point for most jurisdictions. A jurisdiction selecting this option would need to determine the nature of the base-year inaccuracy(ies) and then quantify the correction(s). Attachment A provides a current list of staff's acceptable/unacceptable base-year revision methods, based on the 1995 annual reports. The Board will determine the acceptability or unacceptability of additional revision methods as they are submitted to the Board. If staff deems a jurisdiction's method(s) as unacceptable, the jurisdiction may challenge this decision by requesting a hearing by the LAPC and the Board.

It should be noted that the magnitude of the base-year generation revision is a major concern regardless of what revision method is used. Staff recommends that revisions of a large magnitude be documented with actual, auditable data if at all possible. A method which relies heavily upon rough estimations or extrapolations might be appropriate for a revision of a small magnitude; however, such a method might not be acceptable for a revision of a large magnitude. In some instances, staff might request that a jurisdiction provide further documentation. The burden of proof is upon the jurisdiction to demonstrate the reasonability of their base-year revision request.

To utilize this first option, there must be sufficient sources of information (e.g., consultant/jurisdiction/other personnel and waste hauler/landfill/other records) available to determine the methodologies used and the derivation of the data presented in the waste generation study, and to quantify waste amounts excluded from the study (if applicable). More current data may also provide some assistance in the analysis process; however, since conditions have usually changed significantly over time, it may not be possible to apply more current data to the base-year when making corrections. Some jurisdictions that have attempted this correction process have expressed concern regarding the time and cost intensiveness of this process and the difficulty in obtaining the necessary information.

The second option, to become a regional agency, is an option that is already available to all jurisdictions that meet the statutory/regulatory requirements. Since a regional agency may report to the Board as a single entity, many of the allocation errors can be eliminated for jurisdictions that form a regional agency. However, many jurisdictions have expressed concern about their potential liability for Board penalties if some of the other regional members do not adequately implement their diversion programs. Local political problems have also been cited as a barrier for the formation of regional agencies.

The third option would allow jurisdictions to provide an annual generation-based analysis to the Board each year. Since the disposal tonnage is now being tracked annually in the DRS, a jurisdiction that is also tracking large tonnage diversion programs (such as curbside recycling in combination with composting, or a MRF) might easily demonstrate goal compliance using readily available disposal plus diversion (i.e., generation) data. A generation-based analysis eliminates the need for base-year data since an estimate of the reporting-year generation is no longer needed when actual data is available. For those jurisdictions with this type of data, this option could provide a no-cost solution.

Similarly, the fourth option would be to create a more current base-year by using the disposal tonnage from the DRS and diversion tonnage from a newly conducted diversion study. This

option would provide a generation-based analysis for the year in which the study was conducted, and then provide a new base-year for future disposal-based analyses. Since many jurisdictions have expressed concern regarding the time/cost intensiveness and difficulties in obtaining diversion data, the Working Group recommends the application of a modular approach when conducting a new base-year study. A jurisdiction should begin with the most readily available diversion data and then proceed in the most cost effective manner, focusing on the businesses and industries that are believed to divert the largest amounts of solid.

Reporting-Year

The fifth option, revising reporting-year data, allows a jurisdiction to present a more accurate estimate of its waste disposal than the estimate from the DRS. To effectively revise reporting-year data, a jurisdiction needs detailed origin and/or quantity information. Some jurisdictions that have attempted this correction process have expressed concern regarding the time and cost intensiveness of this process and the difficulty in obtaining the necessary information.

In summary, the Working Group recommends that a jurisdiction be allowed to select from this list of options:

| Option | Applicability | Advantages | Disadvantages |
|---|--|---|--|
| 1. Correct Existing Base-Year Data | Must be able to diagnose data problem(s), and then quantify a correction using a Board-approved methodology & meeting specified criteria (Attachment A) | May be able to increase accuracy of existing data without having to conduct a new study. | Investigation can be very time and cost intensive, and in some instances, more accurate data may not be available for a correction. |
| 2. Form a Regional Agency | Must be able to form contractual agreement with other jurisdiction(s) that meets all legislative & regulatory requirements. | Regional Agency reports as a single entity, eliminating many regional allocation problems. | Potential liability for fines if region does not demonstrate good faith efforts have been made in implementation. <i>Note: Fines would only occur after a compliance schedule has not been met.</i> |
| 3. Replace Base-Year Data by Presenting Generation-Based Data Annually. | Best suited to jurisdictions tracking programs w/large diversion amounts (such as curbside w/ composting, and/or MRFs). | Would not need to waste time/\$ correcting base-year data or conducting new studies, yet could still have more accurate data. | Since all diversion programs are not quantified, diversion rate could be understated. Would potentially be very costly. |
| 4. Replace Base-Year Data by Creating a New Base-Year (such as 1997) with Disposal Tonnage from Disposal Reporting System & Diversion Tonnage from a New Diversion Study. | Must be willing to quantify a sufficient portion of the diverted waste stream in order to demonstrate achievement of the goal. | Has the potential of providing the most accurate data. | Diversion studies can be very time and cost intensive. It may be most cost effective to quantify only the largest diversion tonnage, which could understate the diversion rate. <i>Note: A potential no-cost option is discussed under B)1.</i> |
| 5. Revise Reporting-Year Data. | Must be able to diagnose data problem(s), and then quantify a correction using a Board-approved methodology & meeting specified criteria. (Attachment B) | May provide a more accurate estimate of a jurisdiction's waste disposal. | Investigation can be time and cost intensive. Additionally, the majority of the disposal reporting issues can best be resolved on a local level by a jurisdiction working with the hauler, disposal facility and/or the county to correct an error. If the issue is not resolved to a jurisdiction's satisfaction, the information could then be included in the jurisdiction's Annual Report. |

B) Develop Assistance Tools

The Working Group also recommends that the Board, pending approval of the related contract concept, authorize staff to work with the contractor to develop the additional tools listed below, to assist jurisdictions in quantifying more accurate base-year generation tonnage and in minimizing the associated costs.

| Potential Assistance Tool | Advantages | Disadvantages |
|--|---|--|
| 1. Develop a default base-year computer modeling system that could generate an estimated base-year generation tonnage based on input parameters. <i>Note: Would need to conduct feasibility testing.</i> | Could provide a more accurate base-year at no cost to a jurisdiction. | System would be based on averages from sampled data and thus there would be inherent limitations in the accuracy of the computer generated data estimates. Other options might provide more accurate jurisdiction-specific data. |
| 2. Develop a "Diversion Study Assistance Guide" with general instructions, sample forms, and other general assistance information to assist jurisdictions in conducting diversion studies. | Could assist a jurisdiction in conducting a new diversion study and reduce the costs involved in quantifying a more accurate base-year. | Time is required to develop the guide and it would not be completed in time to allow jurisdictions to conduct a new study prior to their next annual report due date (August 1, 1997) and the Board's biennial review process. |

C) Regulatory and Statutory Revisions

The Working Group also recommends the Board endorse the following regulatory and statutory revisions that could increase the effectiveness of local jurisdictions' efforts toward more accurate reporting and meeting their diversion goals.

Regulatory Revisions

| Regulatory Revision | Advantages | Disadvantages |
|--|---|---|
| The Disposal Reporting Regulations should be revised to include biomass conversion facilities. | This is necessary because legislation (AB 688) was passed which allows a jurisdiction meeting certain criteria to count biomass conversion as diversion (up to 10 percent of the jurisdiction's waste generation) in the year 2000. | Biomass conversion facilities will need to submit quarterly reports to counties and the state with the tons converted listed by jurisdiction of origin. |

Statutory Revisions

| Legislative Revision | Advantages | Disadvantages |
|---|---|--|
| Add enforcement provisions to disposal reporting. | Counties do not have a ready means of persuading haulers and facilities who a) do not submit the data required by the Disposal Reporting System, b) do not submit data by the dates required, or c) do not submit accurate data. Without accurate data, goal measurement is not possible. | State enforcement system would need to be developed and staffed. Would need to avoid interference with existing controls at the local level. <i>Note: The Board has unsuccessfully pursued such statutory revisions the past few years.</i> |

Other Working Group Comments

Additional comments provided by working group members are discussed below for the Committee's consideration. Board staff concur only partially or not at all with these suggestions.

An additional option recommended by some Working Group members would be to allow a jurisdiction to choose to accept their inaccurate data "as-is" and to make no revisions or changes at this time. Instead, the jurisdiction would spend their time focusing on program implementation rather than spending time and resources to

demonstrate compliance with the 25% and 50% goal requirements (i.e., "bean-counting"). Many jurisdictions, however, have stated they are experiencing local political pressures to show a diversion rate that demonstrates the jurisdiction has met their goal requirement. In addition, the Board must examine the extent to which a jurisdiction has implemented waste reduction and diversion programs, as well as the extent to which it is progressing toward the 50 percent goal and determine whether a good faith effort has been made to implement diversion programs. Board staff recommends that a jurisdiction make all reasonable and feasible efforts toward correcting their measurement inaccuracies.

Some working group members would like to see statutory revisions endorsed that would require all state facilities and institutions to implement source reduction and recycling programs and be required to meet some mandated diversion goal. Local jurisdictions need the cooperation of state (as well as other) entities to be able to achieve their diversion goals. Executive Order W-7-91 already requires State agencies within the Executive Branch of State government to set up recycling programs and report diverted quantities to the Board. Further analysis would be required to determine whether such legislative revision would be effective in diverting additional amounts of material.

The Working Group would like the Board to examine the effect permitting issues can have on a jurisdiction's reported disposal quantity. Changes in permitting between the base-year and reporting-year could affect the ability of a jurisdiction to meet their mandated diversion goal. These types of issues should be addressed during the development of a tiered regulatory system for permitting which the Permitting and Enforcement Committee is overseeing. A revised schedule for this project is going before the Permitting and Enforcement Committee and Board this month.

A Working Group member requested the Board develop regulations to implement the diversion reporting requirements of AB 2494. Existing statute states the Board may adopt regulations regarding the collection of diverted materials. Reporting diversion information could be of assistance for market development or other support activities. However, diversion reporting by private entities is not necessary for the purposes of assessing the progress jurisdictions are making toward achieving their mandated diversion goals.

One Working Group member stated that since the State achieved the 25% diversion rate as a whole for 1995, every jurisdiction should be allowed to individually claim achievement of a 25% diversion rate for 1995 as well. Assuming a 25% diversion rate for 1995, a new 1995 base-year generation tonnage could be calculated using the jurisdiction's 1995 disposal tonnage (which would represent 75% of the base-year generation tonnage). Board staff cannot endorse this recommendation as statute specifies that each jurisdiction (or Board-approved regional agency) must demonstrate their progress toward goal achievement. This option would require a statutory revision.

Additional Comments from the Working Group and Interested Parties

The following is a list of additional comments received (and Board staff's response) on the Working Group's proposed options:

COMMENT: The County wishes to thank the CIWMB for the opportunity to be part of the Measurement Accuracy Working Group, a difficult process due to the diversity of interests of members in the group and the complexity of the issues. This collaborative effort has brought about a fine set of recommendations that will allow flexibility and consistency throughout the state.

STAFF RESPONSE: Noted.

COMMENT: It is the County's perception that many jurisdictions throughout the state still do not understand how and when fines can occur so compliance information should be highlighted.

STAFF RESPONSE: Although staff have conducted training throughout the state on the Board's enforcement policy related to program implementation and goal measurement, there are still many jurisdictions that do not understand the enforcement mechanisms. Staff agree that further education would be helpful. The February 1997 issue of InfoCycling includes such an educational article entitled, "IWMA Flexibility and Enforcement". In addition, the 50% Initiative strategy #23 deals with further developing a strategy to educate local governments in this area.

COMMENT: Let us not put too much faith solely on the disposal based accounting numbers. A jurisdiction may be able to show a good faith effort in spite of flawed or slightly inaccurate numbers. It is the hope of this County that the CIWMB will implement a compliance schedule with each jurisdiction, and that this agreement will be based on a comprehensive, qualitative and quantitative review of all programs planned & implemented when assessing whether a good faith effort has been made.

STAFF RESPONSE: As explained to jurisdictions in the statewide training last year, the Board must consider the extent to which each jurisdiction has implemented waste reduction and diversion programs, as well as the progress each has made toward achieving the 25 percent goal. Staff will conduct a biennial review to assess each jurisdiction's progress. If at that time, a jurisdiction fails to meet the goal and has failed to implement diversion programs, the Board is required to commence with a formal compliance process, including holding a hearing and issuing a compliance schedule.

COMMENT: Overall, the list of options will be helpful to jurisdictions.

STAFF RESPONSE: Noted.

COMMENT: With regard to the development of assistance tools, it is recommended the Board keep it simple. Each jurisdiction faces idiosyncratic problems which make it difficult to develop one model or guide that would prove helpful to each particular problem.

STAFF RESPONSE: Staff agree to keep solutions simple wherever possible. Although each jurisdiction may have some unique issues, there are many common issues that could be addressed in models and guides to simplify the process for jurisdictions.

COMMENT: Jurisdictions need more personal assistance. Some additional recommendations to assist jurisdictions with accuracy problems include:

- a) Small group workshops
- b) A "mentorship" program
- c) Designation of a CIWMB "point person"
- d) Informal list of techniques, data sources and methodologies the Board has found acceptable

- e) Samples of successful diversion studies, associated costs and jurisdiction contacts.

STAFF RESPONSE: Staff agree that many jurisdictions may need further personal assistance. Expanding Board staff's technical assistance to jurisdictions is also proposed in strategies 27 and 28 in the Board's 50% Initiative.

- a) Small group workshops could be arranged in response to requests from specific jurisdictions.
- b) Jurisdictions that successfully correct data problems could become mentors for other jurisdictions.
- c) It would be difficult to assign a single person as a point of contact for all 531 jurisdictions because of workload. Instead, the branch is organized so that each staff person is the "point of contact" for a number of jurisdictions. However, a point staff could be assigned to assist other staff as needed.
- d) Such a list is provided as Attachment A to this item.
- e) This is the type of information the proposed Diversion Study Guide would include.

COMMENT: The City would like to stress that eventually the Board will have to deal with those situations in which a jurisdiction is unable or unwilling to develop an accurate baseline. In these situations, a "good faith effort" will be considered. Jurisdictions may want some additional clarification on exactly what the Board means by this, and what documentation would be deemed acceptable.

STAFF RESPONSE: Board staff is currently working on policy and process issues for conducting biennial reviews that will address these concerns.

COMMENT: The City thanks the Board for being included in the working group. It was important to discuss and resolve these issues, which have caused jurisdictions a great deal of concern.

STAFF RESPONSE: Noted.

COMMENT: The City is satisfied with the working group's product and impressed with the effort that staff have made to engage representatives from jurisdictions on these issues in order to develop consensus around appropriate solutions.

STAFF RESPONSE: Noted.

COMMENT: The City is interested in developing understanding and eventual solutions for other problems that may obstruct a jurisdiction's ability to meet their goals including unforecasted waste generation and inaccurate disposal statistics from the state-mandated Disposal Reporting System.

STAFF RESPONSE: Unforecasted waste generation from special events or unforeseen circumstances are usually very unique to each jurisdiction. Jurisdictions are already encouraged to discuss these types of issues in their annual report. Many local jurisdictions have successfully implemented changes to increase the accuracy of the data collected in the Disposal Reporting System. Board staff are analyzing the disposal reporting data and looking for additional methods to increase the accuracy of the disposal data.

COMMENT: The Waste Management Authority has concerns about the CIWMB adjustment method (believes it under-estimates diversion rate). Local communities should have the option of using the CIWMB method or a per capita adjustment methodology.

STAFF RESPONSE: The Board was directed in PRC Section 41780.1(c) to develop a standard method to adjust for annual increases or decreases in population and other factors affecting the waste stream. Section 41780.1 also requires jurisdictions to use this method when calculating goal achievement. Extensive statistical testing during the development of the Board's adjustment method indicated the factors that were selected had the best correlative relationship with statewide and countywide waste generation rates. However, some jurisdictions may have local conditions that fall outside "the norm" used by the standard method. To account for these exceptions, the Board's annual reporting regulations allow those jurisdictions the flexibility of presenting additional information in their annual report that would explain why the adjustment method does not accurately reflect their unique situation and to propose a more representative method. Because statute directs jurisdictions to use the Board's standard method to adjust for changes in the waste stream, a jurisdiction will need to explain why they believe the Board's standard method does not accurately adjust for local changes in conditions and why their proposed

alternative method is a more accurate method, for the Board's consideration.

COMMENT: The working group's recommendations should recognize the uniqueness of the problems faced by the jurisdictions within the various regions. In Los Angeles County, a jurisdiction's underreporting of its base-year waste quantities may be attributed to the county's solid waste management system which is one of the most extensive and complex systems in the state and nation. This complexity relates to the magnitude of the County's size, population, number of jurisdictions, public/private relationships, political and economic structure, and the dynamic nature of its waste management system.

STAFF RESPONSE: Staff recognize the increased difficulty in very densely populated areas with numerous jurisdictional boundaries and have noted in the agenda item the compounding of such problems in the Los Angeles area.

COMMENT: Most of the initial options suggested by the working group for correcting base-year data inaccuracies offer little help to the jurisdictions. Rather, jurisdictions will have little choice other than conducting new studies. New studies would not guarantee better or more accurate base-year data and requiring a new study may be contrary to the provisions of PRC Section 41821(c).

STAFF RESPONSE: There are many base-year revision methods acceptable to the Board listed in the agenda item attachment that do not require a new study. Additional revision methods may be proposed for staff's consideration. Although the working group goals include flexibility and ease of use, these are secondary goals. The primary goal is to ensure increased accuracy of the data and staff can only recommend for Board approval revision methods that meet this criterion. Board staff will be available to work individually with jurisdictions to assist in finding applicable solution options. Lastly, PRC Section 41821(c) applied only to one-time status reports that were to be submitted to the Board by October 1, 1994.

COMMENT: Many of the jurisdictions in Los Angeles County appear to have overlooked a significant portion of the disposal waste stream as the sum of the tons from the individual studies is much less than

the countywide total. These jurisdictions should be allowed to readjust their 1990 waste disposal quantities using any reasonable method (such as base-year population ratio or any other reasonable means).

STAFF RESPONSE: The negative diversion rates calculated in the Los Angeles area do indicate that significant portions of the waste stream, usually non-franchised waste, were omitted in the original studies. The agenda item includes an attached table which lists acceptable revision methods such as applying the 1995 proportions of franchised/non-franchised waste to the 1990 franchised portion. A flat rate increase to each jurisdiction based on the countywide missing portion, as some jurisdictions submitted, would result in more accurate data at the countywide level but not at the jurisdiction level. Similarly, proportioning the waste based on population would be relevant only to the residential portion of the waste stream as the commercial/industrial generation rate is dependent on factors other than population.

COMMENT: Since CIWMB has indicated that the 25% diversion rate was achieved on a statewide basis, each jurisdiction that has made a good faith effort to implement their selected SRRE programs should be given credit for the 25% disposal reduction goal for 1995. Additionally, they should be allowed to use the 1995 data as their new base-year (actual disposal plus 25% diversion) for measuring their waste reduction achievement for the year 2000.

STAFF RESPONSE: Board staff cannot endorse this recommendation as statute specifies that each jurisdiction (or Board-approved regional agency) must demonstrate their progress toward goal achievement. This option would require a statutory revision.

COMMENT: All inert solid waste disposed at permitted unclassified landfills are now counted as disposal while inert waste disposal at unclassified landfills that are not permitted does not count as disposal, for the purposes of measuring compliance with the waste reduction mandates. This is a major deficiency which should be addressed by the Board. The inconsistency can be resolved by excluding inert waste disposed at all unclassified landfills from the disposal measurement.

STAFF RESPONSE: PRC Section 40901 specifies that the amounts of solid waste disposed at all permitted disposal facilities must be reported for the purposes of determining whether the diversion reporting requirements of Section 41780 have been met. This proposal would require a statutory revision. The issue of which facilities should be required to be permitted should be addressed during the development of a tiered regulatory system for permitting which the Permitting and Enforcement Committee is overseeing. A revised schedule for this project is going before the Permitting and Enforcement Committee this month.

COMMENT: One of the main goals of the Working Group is to ensure that the Group's final recommendations provide for solutions that are flexible, cost-effective, and fair. Jurisdictions should not be required to engage in costly new studies or other complex schemes. It is extremely difficult to quantify all diversion and to go back in time to correct inaccurate base-year data. Additionally, such requirements would not be consistent with PRC Section 41821(c). The proposal should focus on a broader perspective, such as ensuring that each jurisdiction makes a good faith effort to implement the programs of their SRREs.

STAFF RESPONSE: The Board must consider the extent to which each jurisdiction has implemented waste reduction and diversion programs, as well as the progress each has made toward achieving the 25 percent goal. Staff will conduct a biennial review to assess each jurisdiction's progress. If at that time a jurisdiction fails to meet the goal and has failed to implement diversion programs, the Board is required to commence a formal compliance process, including holding a hearing and issuing a compliance schedule. Lastly, PRC Section 41821(c) applied only to one-time status reports that were to be submitted to the Board by October 1, 1994.

VI. ATTACHMENTS

- Attachment A List of Acceptable/Unacceptable Base-Year
Revision Methods
- Attachment B List of Acceptable/Unacceptable Reporting-Year
Revision Methods
- Attachment C Resolution No. 97-112

VII. APPROVALS

Prepared by: Sherrie Sala-Moore/Mitch Weiss ^{SM MW} Phone: 255-2395

Reviewed by: Catherine Cardozo/John Sitts ^{CC JS} Phone: 255-2396

Reviewed by: Patrick Schiavo ^B Phone: 255-2656

Reviewed by: Judith J. Friedman ^{JJF} Phone: 255-2376

Legal Review: EB Date/Time: 3/14/97

Attachment A: List of Acceptable Base-Year Revision Methods

| Base-Year Problem Categories/Types | | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|---|---|--|---|---|-----------|
| A. Generic Revision Methods: | | | | | |
| A-1 | Various | Request that 1995 disposal tonnage (from disposal reporting system), and 1995 diversion tonnage, such as from funded/operated programs (refer to B-1 of the model annual report) plus any other quantified tonnages, become the new base-year generation. | Acceptable Method (if criteria are met) | Must provide all calculations, cite all sources of data and use auditable data records. Provide a complete explanation on how the tonnages were derived. | 4 |
| A-2 | Various | Use the adjustment method backwards by taking the 1995 disposal tons, then adjust for changes in population & economics to project an estimate of the base-year tons, and add this amount to the existing base-year diversion tonnages. | Unacceptable Method | The adjustment method is correlated to waste generation, not to individual waste stream components. Combining a disposal estimate based on 1995 data with the original base-year diversion is mixing apples and oranges, as the disposal and diversion proportions of the waste stream should have changed between the base-year and reporting-year. | |
| A-3 | Various | Revise base-year to only include franchised hauler data. <i>Note: Computing diversion rate based solely on franchised hauler data.</i> | Unacceptable Method | Statute requires that all sources of waste disposal going to permitted facilities be included (refer to PRC 41781) | 1 |
| A-4 | Various | Making multiple types of revisions. | n/a | Be sure to calculate the corrections in a logical sequence and avoid double counting. Quantify each type of correction separately. Must provide all calculations and cite sources of data. Corrections to base-year and reporting-year data should not contradict one another. | Many |
| B. Problems Related to Measuring/Calculating Tonnages: | | | | | |
| B-1a | Franchised base-year residential tonnages do not appear to be accurate. | Since the resulting per capita rate is considered to be too low, they "guestimate" the consultant neglected to include multi-family waste tonnages in either the residential or the commercial SWGS amounts. They recalculated the residential franchised waste tonnage using a per capita rate. | Unacceptable Method | Regulations allow for comparable data to be used in characterizing the waste stream but not for determining the quantity of waste generated. Per capita averages vary dramatically, and while useful for certain planning purposes that can rely on rough averages, they are not sufficiently accurate for quantifying the waste generation tonnages for demonstrating achievement of the disposal reduction goal. Should investigate further to verify whether multi-family waste was indeed missed, and if so, attempt to quantify the 1990 tons. | 1 |

226

Attachment A: List of Acceptable/Unacceptable Base-Year Revision Methods

| | Base-Year Problem Categories/Types | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|-------------|---|---|---|---|-----------|
| B-1b 227 | Same as above. | Examination of the annual residential tonnages alerted them to a problem - it appears base-year tons were only based on 6-months data. Quantified the revised base-year residential tonnage using hauler records based on actual weight tickets. | Acceptable Method (if criteria are met) | Must provide all calculations, cite all sources of data and use auditable data records. Provide a complete explanation on how the tonnages were derived. | 1 |
| B-2 | Industrial waste in SWGS were understated (a significant portion of these tonnages were omitted). | Reviewed economic activity from base-year to current, and industrial waste tonnage records for more current years. Data indicates no significant changes since the base-year. Revised the base-year industrial tonnage based on the average of the more current years data. | Acceptable Method (if criteria are met) | Need to demonstrate first that these amounts were indeed missed in the original SWGS, and then secondly, need to document the more current tons used to derive the average. Also need to demonstrate that these industrial facilities were in existence in 1990 (& that is not just a change in condition). Discuss how double-accounting has been avoided. | 1 |
| B-3 | No scales in base-year, used volume-to-weight conversion method. After scale installation, disposal tons increased or decreased noticeably. | Compare landfill tonnages for as many years before & after scale installation as available. Calculate the average annual increase/decrease and revise the base-year data accordingly. | Acceptable Method (if criteria are met) | Must provide a reasonable analysis demonstrating how the before/after data is being used to make a correction for the inaccurate conversion factor. Provide volume/tonnage data, cite sources of data, show calculations & discuss the analysis. Provide verification that there were no other changes/special situations that contributed to the increase/decrease. | 2 |
| B-4 | Diversion tonnages were understated or omitted for programs that were in existence in the base-year. | Increased base-year diversion by the estimated tons diverted by these diversion activities. | Acceptable Method (if criteria are met) | Additional diversion may be submitted at any time. The submittal must include the complete calculations (showing all of the steps) and cite the sources for all data used in the calculations (such as participation rates). Demonstrate that these portions of the waste stream were indeed missed in the SWGS and that no double accounting is occurring. The revised base-year data needs to be fully explained (by program, by waste type) and meet all other SWGS requirements. New base-year diversion is still subject to the restricted waste criteria. | 6 |
| B-5 | Diversion tonnages are believed to be understated. | Disposal tonnages of the SRRE were understated and revised based on more current data believed to be more accurate. The existing SRRE diversion rates (per sector) were applied to the higher disposal tonnages to extrapolate | Unacceptable Method | No correlation was demonstrated that increasing disposal tonnages equates to similarly increased diversion tonnages. Diversion must be quantified by program and by waste type and meet all other SWGS requirements. | 2 |

Attachment A: List of Acceptable Base-Year Revision Methods

| Base-Year Problem Categories/Types | | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|------------------------------------|--|---|---|--|-----------|
| | | additional diversion tonnages. | | | |
| B-6a | Generation tonnages believed to be under-estimated in the SWGS. | Changing the source of data from their individual SWGS to the county-wide SWGS. | Acceptable Method (if criteria are met) | County-wide SWGS must meet regulatory requirements. | 1 |
| B-6b | Same as above. | Would like the 1995 disposal tons to become the new base-year, even though there are no diversion tonnages quantified, as this is the only measured data available. | Acceptable Method (if criteria are met) | Must provide all calculations, cite all sources of data and use auditable data records. Provide a complete explanation on how the tonnages were derived. | 2 |
| B6c | Same as above. | The base-year generation tonnage was increased without a reasonable explanation (they believe this revised total more accurately reflects the base-year situation). | Unacceptable Method | While rough averages may be useful for certain planning purposes, they are not sufficiently accurate for quantifying the waste generation tonnages for demonstrating achievement of the disposal reduction goal. A revision should provide actual, itemized revisions to the base-year data. | 2 |
| B6d | Same as above. | Began requiring licensed hauling firms to submit annual disposal reports in 1991. Accounting firm was employed for random audits to ensure accurate reporting by haulers. Want to replace the 1990 base-year data with 1991 data. | Acceptable Method (if criteria are met) | Must provide all calculations, cite all sources of data and use auditable data records. Provide a complete explanation on how the tonnages were derived. | 1 |
| B-7 | A specific waste generator's disposal tonnage is believed to have been understated in the SWGS (university waste, for example). | Replace the original SWGS data with more reliable information. | Acceptable Method (if criteria are met) | Provide verification of the original data and discuss the source of this data (demonstrate how this data was provided in the SWGS). Provide verification for the new data, discuss the source of this data, and provide sufficient justification as to why the new data represents more accurate data. | 1 |
| B-8 | A specific waste generator's disposal tonnage is believed to have been omitted in SWGS. | Add in omitted tons based on reliable information. | Acceptable Method (if criteria are met) | Provide verification that the waste generator was in existence in base-year and that their disposal was not included in base-year. Provide verification for the disposal data and discuss the source of this data. | 2 |
| B-9 | Unusual increase or decrease in waste disposal occurred in the base-year, based on a comparison of landfill totals over several years. | A) Replace the base-year disposal with the subsequent years disposal tonnage amount B) Revise the base-year disposal by subtracting the special event waste | Acceptable Method (if criteria are met) | Must provide reasonable analysis that demonstrates the increase/decrease of the base-year by using the before/after data. Provide volume/tonnage data, cite sources of data, show calculations & discuss the analysis. | 1 |

Attachment A: List of Acceptable/Unacceptable Base-Year Revision Methods

| | Base-Year Problem Categories/Types | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|------|--|---|---|---|-----------|
| 229 | | tonnages | | Provide justification as to why the adjustment method calculations would not provide a sufficient adjustment in the goal measurement calculations to already account for this situation. | |
| | C. Problems Related to Assigning Jurisdiction of Origin: | | | | |
| C-1a | The allocation method used in the SWGS to apportion the regional disposal total to each jurisdiction (such as based on population ratios or equal distributions to each jurisdiction) is now believed to have been an inaccurate method. | Applied the 1995 disposal reporting system percentages to reallocate the region's base-year tonnages. | Unacceptable Method of Reallocation | Conditions may have changed significantly between the base-year & reporting-year. Reporting-year data should be used for comparative analysis only. Base-year revisions should be based on base-year statistics. Should only use a population analysis for the residential portion. For commercial/industrial sectors, examine business licenses/employment/tax sales/permits, industry profiles, etc. for a regional comparison. <i>Note: Forming a regional agency would allow a region to report as a single entity and would eliminate many of these types of regional allocation errors.</i> | 3 |
| C-1b | Same as above. | Conducted more recent study to determine a more accurate allocation of the base-year tonnages for the region. Revised base-year based on study results. | Acceptable Method (if criteria are met) | Same as above. Study must be based upon actual base-year conditions (or conditions close to the base-year) using such factors as listed above. | 10 |
| C-2 | Regionally allocated tonnages that were derived during the base-year studies for nonspecific origin waste (such as C&D) were excluded from the SWGS base-year. Most regions allocated these tonnages based on population ratios. | Add the regionally allocated tonnages (as quantified during the base-year studies) into the base-year data. | Acceptable Method (if criteria are met) | Need to be sure to subtract out any initial tonnages that were already included for any portion of this waste stream. Source data must meet all regulatory requirements. | 3 |
| C-3a | Regional analysis indicates disposal tonnages were understated for the region. | Applied a flat rate of increase to the individual jurisdiction's base-year disposal tons based on the rate of missing tonnage on a regional basis. | Unacceptable Method | A revision needs to provide actual, itemized corrections to the base-year data. This method might be technically valid at a regional level, but is not valid at the jurisdictional level. If a regional study was initially conducted, more accurate information for that region may be used to make corrections to the initial study. To apply more accurate regional data to individual jurisdiction SWGS would require extensive comparisons of the methods used in each | 12 |

Attachment A: List of Acceptable Base-Year Revision Methods

| | Base-Year Problem Categories/Types | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|--|---|--|---|---|-----------|
| | | | | SWGS and the demographic similarities/differences between all of the jurisdictions in an attempt to create a regional SWGS from the individual SWGS. Revisions should be made at the jurisdictional level (<i>refer to category F for missing non-franchised wastes</i>). | |
| C-3b | Same as above. | Took the percentage of city to region's disposal tons and applied this rate to the tons of missing waste for the region (all tonnages based on summary plan) to find the amount of increase in the base-year generation. | Unacceptable Method | Same as above. | 4 |
| C-3c | Same as above. | Took the percentage of city to region's base-year taxable sales and applied this rate to the tons of missing waste for the (based on summary plan) to find the amount of increase in the base-year generation. | Unacceptable Method | Same as above. | 1 |
| C-4 | Waste was omitted in the base-year due to multiple waste origin loads being assigned to a single jurisdiction. | Conducted an in-house investigation to identify how many tons were mis-identified. | Acceptable Method (if criteria are met) | Must provide all calculations, cite all sources of data and use auditable data records. Provide a complete explanation on how the tonnages were derived. | 1 |
| D. Problems Related to Changes In Conditions: | | | | | |
| D-1 | Base-year tonnages includes generation of newly incorporated city. | Reduce base-year tonnages by subtracting an estimate of the new city's generation. | Acceptable Method (if criteria are met) | City & County should work cooperatively to avoid duplication of effort. | 1 |
| D-2 | Permitting status of facility changed between the base-year and reporting-year. For example, inerts landfill was not permitted in the base-year & thus tons were not included in SWGS. Now landfill is permitted and the tons are included in the reporting-year. <i>Note: Statute requires the inclusion of solid waste disposed at permitted facilities.</i> | Took the 1995 tons (and may or may not have used the adjustment method backwards) to find the base-year tons. This amount was added to the base-year. | Potentially Acceptable Method <i>Note: Staff have concerns but acknowledge that basing the revision on 1995 data may be the only reasonable solution at this time other than establishing a new base-year.</i> | The unadjusted data may be used as a starting point, however, Board staff have many concerns regarding the application of 1995 data to the base-year data. For example, the accuracy of these large tonnages are questionable due to the lack of verifiable records. Also, conditions may have changed significantly between the two years reducing the applicability of such a comparison. Most importantly, the accuracy of this type of revision is in question due to the variability of C&D waste tonnages which varies significantly from year to year based on construction projects, special events and disasters. Jurisdictions should examine the | 6 |

Attachment A: List of Acceptable/Unacceptable Base-Year Revision Methods

| 281 | Base-Year Problem Categories/Types | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|---|--|---|---|---|-----------|
| | | | | <p>1995 and 1990 conditions and provide justification on why the 1995 disposed tons represent the 1990 disposed tons. Provide documented similarities between the two years in regards to generators of this type of waste. A comparison of another year's disposal data (such as 1996) might provide further justification for this type of revision.</p> <p><i>Note: The adjustment method adjusts for population & economic changes only within a specific criteria range so very large changes as well as any other significant changes due to other factors, may not be adequately corrected for. Projecting current data into the past requires a complete understanding of the base-year and reporting-year conditions/changes. Also, the method is correlated to the total waste but not to individual waste stream components. Thus, using the adjustment method backwards to estimate a 1990 base-year is not acceptable. A jurisdiction may, however, request that the Board allow the 1995 generation data to become the new base-year.</i></p> | |
| E. Problems Related to Special Wastes: | | | | | |
| E-1 | Restricted waste tonnages for inert solids/C&D, scrap metals, white goods, and/or agricultural wastes were excluded from the Board-approved base-year tonnages since they were undocumented. | Added these amounts back into their base-year. | Unacceptable Method (must meet restricted waste criteria) | The inert materials are required by statute to be excluded from base-year diversion unless the specified criteria are met (refer to PRC 41781.2). <i>Note: Some waste categories were not clearly defined in the SWGS. If diversion tonnages were removed incorrectly for non-restricted waste types (such as for other appliances quantified in a category with white goods), provide staff with a correction request that identifies the correct information in the SWGS/SRRE.</i> | 6 |
| E-2 | Special type of waste materials were not accounted for in the base-year generation tons (such as sewage sludge that was disposed at a permitted landfill in the base-year). | Increase the base-year generation tonnages for the missing disposal occurring in the base-year. | Acceptable Method (if criteria are met) | Must provide all calculations and cite sources of data. If making other revisions, such as for missing self-haul wastes, jurisdiction must demonstrate that these amounts are not already accounted for in the other calculations. <i>Note: In order to revise the base-year and claim future diversion credit of sewage sludge, the facility</i> | 3 |

Attachment A: List of Acceptable Base-Year Revision Methods

| Base-Year Problem Categories/Types | | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|---|--|---|---|---|-----------|
| | | | | <i>generating the sludge must be located with a jurisdiction's border and a petition must be submitted to the Board that meets the requirements of PRC 41781.1 & 14 CCR Section 18775.2.</i> | |
| E-3 | Special type of waste materials were not accounted for in the base-year disposal tons (such as waste from regional diversion facilities or regional medical treatment facilities). | Increase the base-year generation tonnages for the missing disposal occurring in the base-year. | Unacceptable Method | Adjustments for the disposal of residual waste from a regional medical waste treatment facility or a regional diversion facility are authorized by statute (PRC 41782). This law recognized that these facilities came into existence after the base-year and thus allows for a reduction of the reporting-year disposal tonnages. Increasing the base-year for these tonnages would result in double accounting and thus is not acceptable. | 1 |
| E-4 | Military wastes were not accounted for in the base-year disposal tons. | Increase the base-year generation tonnages for the missing disposal occurring in the base-year. | Acceptable Method (if criteria are met) | Must provide all calculations, cite all sources of data and use auditable data records. Provide a complete explanation on how the tonnages were derived. | 1 |
| F. Problems Related to Self-Haul/Non-Franchised Waste Streams: | | | | | |
| F-1 | Self-haul waste had two amounts identified in SWGS for base-year disposal. Chose the lower amount (believed to be the most accurate). | Revise the base-year by replacing the original self-haul amount with the higher amount listed in the SWGS. | Acceptable Method (if criteria are met) | Need to demonstrate that the revision meets SWGS criteria. Also, examine other data (if available) and demonstrate how it supports this revision. | 1 |
| F-2a | Self-haul/non-franchised/unlicensed waste (all or some portion of these tonnages) appears to have been omitted from the SWGS. | Quantified the 1995 self-haul tonnage for the missed portion of this waste stream and increased the base-year by this amount. | Potentially Acceptable Method <i>Note: Staff have concerns but acknowledge that basing the revision on 1995 data may be the only reasonable solution at this time other than establishing a new base-year.</i> | Need to demonstrate first that these amounts were indeed missed in the original SWGS, and then secondly, need to document the 1995 tons. Also need to demonstrate that facilities had these types of haulers disposing in 1990 (& that is not just a change in condition). Discuss how double-accounting has been avoided. Board staff have many concerns regarding the application of 1995 data to the base-year data. For example, the accuracy of these tonnages are questionable due to the lack of verifiable records. Also, conditions may have changed significantly between the two years reducing the appropriateness of such a comparison. A comparison of another year's disposal data (such as 1996) might provide further justification for this type of revision. | 8 |

Attachment A: List of Acceptable/Unacceptable Base-Year Revision Methods

| | Base-Year Problem Categories/Types | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|-------------|------------------------------------|--|---|--|-----------|
| F-2b 203 | Same as above. | In addition to increasing the base-year using the above method, an additional x% was added since more diversion programs existed in 1995 than there were in the base-year. | Unacceptable Method | Too subjective. Revision should be based on tons and not on an estimated percentage. Need to provide justification based on actual types of programs that would directly impact that specific self-haul waste stream. <i>Note: Staff have concerns regarding the cost effectiveness of such a method.</i> | 6 |
| F-2c | Same as above. | Using 1995 tons disposed (from disposal reporting system) & diverted (for funded/operated programs only), the adjustment method was applied backwards. The estimate of the base-year tonnage was found when the projected reporting-year generation was equal to the actual 1995 data. | Unacceptable Method | A revision needs to provide actual, itemized corrections to the base-year data. <i>Note: The adjustment method adjusts for population & economic changes only within a specific criteria range so very large changes as well as any other significant changes due to other factors, may not be adequately corrected for. Projecting current data into the past requires a complete understanding of the base-year and reporting-year conditions/changes. Also, the method is correlated to the total waste but not to individual waste stream components. Thus, using the adjustment method backwards to estimate a 1990 base-year is not recommended. A jurisdiction may, however, request that the Board allow the 1995 generation data to become the new base-year.</i> | 1 |
| F-2d | Same as above | The jurisdiction's 1995 data was examined and used to calculate the percentage of the total waste stream that the licensed/ franchised as versus the self-hauled/non-franchised portions represented. The base-year was corrected by applying these 1995 proportions to the jurisdiction's base-year data. | Potentially Acceptable Method <i>Note: Staff have concerns but acknowledge that basing the revision on 1995 data may be the only reasonable solution at this time other than establishing a new base-year.</i> | Must demonstrate that these portions of the waste stream were indeed missed in the SWGS. Discuss what conditions have remained the same and what has changed between the two years and demonstrate this correction is justified without having to account for any changes between the two time periods. Board staff have many concerns regarding the application of 1995 data to the base-year data. For example, the accuracy of these tonnages are questionable due to the lack of verifiable records. Also, conditions may have changed significantly between the two years reducing the appropriateness of such a comparison. A comparison of another year's disposal data (such as 1996) might provide further justification for this type of revision. | 13 |

Attachment A: List of Acceptable Base-Year Revision Methods

| Base-Year Problem Categories/Types | | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|------------------------------------|---|---|-------------------------|--|-----------|
| F-2e | Same as above | Revised the 1995 self-haul tons based on changes in taxable sales to estimate the base-year self-haul tons. Since taxable sales increased by x% between the base-year and 1995, the 1995 self-haul tonnage was decreased by x% before being added into the base-year. | Unacceptable Method | There was no correlation demonstrated between the self-haul waste tonnages and taxable sales. Board staff have many concerns regarding the application of 1995 data to the base-year data. For example, the accuracy of these tonnages are questionable due to the lack of verifiable records, and conditions may have changed significantly between years. | 1 |
| F-3a | Self-hauled/C&D waste was not included in the SWGS disposal tonnages. | Quantified the 1995 tonnage for self-haul and C&D. Applied an adjustment factor, based on the ratio of 1990 building permit \$ to the 1995 \$ (after adjusting 1995 \$ for inflation with CPI ratio), and added the additional tons into the base-year. | Unacceptable Method | There was no correlation demonstrated between the self-haul/C&D waste tonnages and the building permit valuation dollars. There may or may not be a direct correlation between the C&D and the building permit valuations (which warrants further investigation) but it is not clear why all the self-haul waste would be affected. Further, there may have been other changes in conditions that contributed to the decrease in valuations over time that is independent of the waste tonnages (such as rate changes). | 2 |
| F-3b | Same as above. | Used C&D generation rates (varies for several types of building permits) developed in a study conducted in Oregon. These factors were applied to the quantity of 1990 building permits actually issued and added resulting tonnage into base-year. They assumed there was no other type of self-haul, other than C&D, in the base-year. | Unacceptable Method | The generation rates from the study may or may not be adequate in quantifying the missing tonnages. C&D quantities vary considerably depending upon the project, and this was a very limited study conducted in a single city of another state, so the error range of this method could be significant. Also, there may be additional types of self-hauled wastes omitted that would not be accounted for in these C&D generation rates, such as small commercial contractors (roofers, landscapers, etc.). | 1 |
| F-4 | Self-hauled/C&D waste was not included in the SWGS generation tonnages. | Took the 1995 tons for the missing waste stream, used the adjustment method backwards to estimate the base-year self-haul tonnage and added this amount into the base-year disposed total. | Unacceptable Method | The unadjusted data may be used as a starting point. Must demonstrate that this portion of the waste stream was indeed missed in the SWGS (be sure to subtract out any initial self-haul tonnages already included). Discuss what disposal system conditions have remained the same and what has changed between the two years and demonstrate this correction is justified without having to account for any other changes (in addition to the population & economic changes) between the two time periods. <i>Note: The adjustment method adjusts for population &</i> | 4 |

234

Attachment A: List of Acceptable/Unacceptable Base-Year Revision Methods

| | Base-Year Problem Categories/Types | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|------|--|--|---|---|-----------|
| 285 | | | | economic changes within an nominal range, so very large changes as well as any other significant changes due to other factors, may not be adequately corrected for. Projecting current data into the past requires a complete understanding of the base-year and reporting-year conditions/changes. Thus, using the adjustment method backwards to estimate a 1990 base-year is not acceptable. A jurisdiction may, however, request that the Board allow the 1995 generation data to become the new base-year. | |
| F-5a | Self-haul waste in SWGS for base-year disposal - all or some portion of these tonnages were omitted. | Examined a number of other jurisdictions believed to have similar populations and franchise agreements to determine an average percentage for the franchised portion of the waste stream & used to revise the base-year. | Unacceptable Method | Regulations allow for comparable data to be used in characterizing the waste stream but not for determining the quantity of waste generated. While regional averages may be useful for certain planning purposes that can rely on rough averages, they are not sufficiently accurate for quantifying the waste generation tonnages for demonstrating achievement of the disposal reduction goal. | ? |
| F5b | Same as above. | Based on examination of other jurisdictions in area, they believe the self-haul should be x% of the total disposal. | Unacceptable Method | Regulations allow for comparable data to be used in characterizing the waste stream but not for determining the quantity of waste generated. While regional averages may be useful for certain planning purposes that can rely on rough averages, they are not sufficiently accurate for quantifying the waste generation tonnages for demonstrating achievement of the disposal reduction goal. | 1 |
| F5c | Same as above. | Examined various surveys conducted at the local landfill to estimate the total disposal % contributed by the city. Revised the base-year accordingly. | Acceptable Method (if criteria are met) | Must provide all calculations, cite sources of data and provide detailed survey information. | 1 |
| F-6a | Self-haul/unlicensed hauler waste tons disposed were omitted as the SWGS was based only on licensed hauler data. | The base-year generation was recalculated using an average per capita generation rate (either based on local cities considered to be similar to jurisdiction, or the basis was not clarified). | Unacceptable Method | Regulations allow for comparable data to be used in characterizing the waste stream but not for determining the quantity of waste generated. Per capita averages vary dramatically, and while useful for certain planning purposes that can rely on rough averages, they are not sufficiently accurate for quantifying the waste generation tonnages for demonstrating | 3 |

Attachment A: List of Acceptable acceptable Base-Year Revision Methods

| | Base-Year Problem Categories/Types | Base-Year Revision Method | Initial Recommendations | Initial Staff Comments/Criteria | Juris Qty |
|------|--|---|---|--|-----------|
| | | | | achievement of the disposal reduction goal. | |
| F-6b | Same as above. | A study was conducted in 1995 to determine what percentage of the total waste stream the self-haul, non-licensed portion represents. This percentage was applied to the 1995 total to estimate the 1995 self-haul tons, which was then adjusted for the changes in population & employment (combined average) to estimate the base-year self-haul tonnage to add into the base-year generation. | Potentially Acceptable Method <i>Note: Staff have concerns but acknowledge that basing the revision on 1995 data may be the only reasonable solution at this time other than establishing a new base-year.</i> | Must demonstrate that this portion of the waste stream was indeed missed in the SWGS. Discuss what disposal system conditions have remained the same and what has changed between the two years and demonstrate this correction is justified without having to account for any other changes (in addition to the population & employment changes) between the two time periods Board staff have many concerns regarding the application of 1995 data to the base-year data. For example, the accuracy of these tonnages are questionable due to the lack of verifiable records. Also, conditions may have changed significantly between the two years reducing the applicability of such a comparison. A comparison of another year's disposal data (such as 1996) might provide further justification for this type of revision. | 1 |
| F-7 | Self-haul waste going to "other" facilities (e.g., outside of local area) was omitted. | Applied the 1995 % of "other" waste (as compared to the 1995 disposed total) and applied this same rate to the base-year to estimate the additional base-year tons. | Potentially Acceptable Method <i>Note: Staff have concerns but acknowledge that basing the revision on 1995 data may be the only reasonable solution at this time other than establishing a new base-year.</i> | Must demonstrate that this portion of the waste stream was indeed missed in the SWGS. Discuss what conditions have remained the same and what has changed between the two years and demonstrate this correction is justified without having to account for any changes between the two time periods. Board staff have many concerns regarding the application of 1995 data to the base-year data. For example, the accuracy of these tonnages are questionable due to the lack of verifiable records. Also, conditions may have changed significantly between the two years reducing the applicability of such a comparison. A comparison of another year's disposal data (such as 1996) might provide further justification for this type of revision. | 1 |

206

Attachment B: List of Acceptable/Unacceptable Reporting-Year Revision Methods

Reporting-Year Revisions Found in Annual Reports

| Method | Initial Recommendation | Initial staff comments/criteria | Juris. Qty |
|---|---|--|------------|
| 1 Substituted franchise hauler data for landfill data on that hauler. | Acceptable * (if criteria are met) | Can only replace disposal reporting system tonnage related to that particular hauler(s). Cannot exclude other haulers or self-haul. Should only be applicable if the disposal facility(ies) do not gather daily disposal origin information. Cannot assume the non-franchise portion is a given percentage or amount. Cannot exclude disposal at any permitted landfill or transformation facility. Concerns: hauler guaranteed diversion rates, restrictions on waste origin by landfills, restrictions on disposal site by jurisdictions. | 33 |
| 2 Contacted non-franchise haulers to verify information. | Acceptable * (if criteria are met) | Cannot subtract tonnage if a hauler is unable to confirm origin information. Cannot assume the non-franchise portion is a given percentage or amount. Explain the method used to verify the new origin information. Concern was expressed that, if some haulers are not aware of the accurate origin of the waste at the time of disposal, the new information provided months later might be even less accurate. Other concerns were expressed regarding whether the existence of a franchise or the need to have a local business license may affect the accuracy of the information provided. | 23 |
| 3 Presented a generation-based analysis. | Acceptable * (if criteria are met) | Diversion quantities must be documented. Use disposal tons from the Disposal Reporting System. Use documented diversion quantities for the reporting year. May use just the diversion from operated and funded programs (appendix B-2 of the Annual Report). Concern was expressed regarding the accuracy of the diversion data. Is double counting being avoided (by not counting the same material at the generator, recycler, processor, etc.)? How accurately is the jurisdiction of origin information being tracked? | 14 |
| 4 Sampling period is not representative ("survey anomalies"). | Unacceptable as reporting-year revision, however, may be evaluated as additional information for Board consideration. | Many of these issues raised reflect the nature of sampling and extrapolation. | 10 |
| 5 Unusual Events | Unacceptable as reporting-year revision, however, may be evaluated as additional information for Board consideration. | The Board does not have the authority to give a blanket exclusion to unusual events. | 7 |

* Regardless of method used, jurisdictions must:
Explain how the data was derived/gathered.
Be prepared to verify with auditable documentation.

Attachment C

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION NO. 97-112

CONSIDERATION OF THE MEASUREMENT ACCURACY ISSUES WORKING GROUP'S
RECOMMENDATIONS FOR CORRECTING BASE-YEAR AND/OR REPORTING YEAR
INACCURACIES

WHEREAS, California jurisdictions were required to establish a base-year waste generation amount in their Source Reduction and Recycling Elements from which to measure achievement of the 25% and 50% diversion goals; and

WHEREAS, disposal facility operators are required to conduct quarterly surveys to estimate annual disposal tonnage by each jurisdiction and to report these amounts to counties, who in turn report these amounts to the jurisdictions using the landfills within their county; and

WHEREAS, jurisdictions are required to submit annual reports to the Board that include calculations using both base-year and reporting year numbers to demonstrate their progress toward achieving the 25% and 50% diversion goals; and

WHEREAS, many jurisdictions have expressed concern that inaccuracies found in their base-year and/or reporting year waste measurements preclude them from accurately demonstrating achievement of the diversion goals; and

WHEREAS, the California Integrated Waste Management Board's Local Assistance and Planning Committee authorized the formation of a Measurement Accuracy Issues Working Group to address problems with the accuracy of jurisdictions' measurements of their base-year and reporting year waste amounts; and

WHEREAS, the Working Group met throughout 1996 and early 1997 to develop solution options for correcting the inaccurate data; and

WHEREAS, the Working Group has prepared a flexible set of options from which jurisdictions could choose to correct the inaccuracies; and

WHEREAS, the Working Group recommends that Board staff develop further tools to further assist jurisdictions in quantifying more accurate generation tonnage; and

WHEREAS, the Working Group also recommends the Board endorse some regulatory and statutory revisions that would increase the accuracy of the reporting system and/or the effectiveness of jurisdictions' efforts toward meeting their diversion goals;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the Measurement Accuracy Issues Working Group's recommendations for options to correct inaccurate base-year and/or reporting year inaccuracies; and

NOW, THEREFORE, BE IT ALSO RESOLVED that the Board also approves the Measurement Accuracy Issues Working Group's recommendations for directing staff to develop assistance tools for jurisdictions wishing to quantify more accurate generation tonnage; and

NOW, THEREFORE, BE IT ALSO RESOLVED that the Board also approves the Measurement Accuracy Issues Working Group's recommendations to endorse regulatory and statutory revisions that would increase the accuracy of the disposal reporting system, and/or the effectiveness of jurisdictions' efforts toward meeting their diversion goals.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 33

ITEM: CONSIDERATION OF THE REDESIGNATION OF THE SONOMA/
MENDOCINO RECYCLING MARKET DEVELOPMENT ZONE TO INCLUDE
THE COUNTY OF LAKE

I. SUMMARY

The Board approved the Sonoma/Mendocino Recycling Market Development Zone (RMDZ) in 1994 during the third designation cycle. The existing jurisdictions in the Sonoma/Mendocino RMDZ include both the incorporated and unincorporated areas of Sonoma and Mendocino counties. The Sonoma/Mendocino RMDZ is requesting a redesignation which would expand the RMDZ to include incorporated cities of Clearlake and Lakeport and the unincorporated areas of Lake County.

Title 14, California Code of Regulations (CCR), Section 17914 requires that an RMDZ submit an application to the Board describing proposed changes to an existing zone plan. For a zone expansion, the new applicant must include a resolution, zone maps, a market development plan, and evidence of compliance with the California Environmental Quality Act (CEQA). In addition, the jurisdictions comprising the existing RMDZ must approve the proposed zone changes and submit resolutions from their governing bodies indicating this approval. Board Zone staff is in receipt of these documents.

II. PREVIOUS COMMITTEE ACTION

There has been no previous Board Action regarding this issue.

III. COMMITTEE ACTION

The Market Development Committee, at its March 13, 1997, meeting approved the staff recommendation and forwarded the item to the Board for approval. The Committee also directed that the item be placed on the Board's consent calendar.

IV. OPTIONS FOR THE BOARD

The Board members may decide to:

1. Approve the expansion of the Sonoma/Mendocino RMDZ to include the County of Lake.
2. Not approve the expansion.

V. STAFF RECOMMENDATION

Staff recommends that the Board adopt Resolution #97-75 approving the redesignation of the Sonoma/Mendocino RMDZ to include the County of Lake and the incorporated cities of Clearlake and Lakeport.

VI. ANALYSIS

Background

The expansion of the Sonoma/Mendocino RMDZ was initiated almost one year ago. For redesignation for the purposes of expansion, the RMDZ must prepare an application which describes the availability and adequacy of feedstock, infrastructure and property. Additionally, the application must describe the proposed marketing plan, budget, incentives to businesses, and financial support available. The application must also include a copy of a resolution from the new jurisdiction which makes the findings required in Public Resources Code (PRC) section 42010 (b), namely that the local conditions are favorable to an RMDZ and the establishment of the RMDZ is needed for achievement of the diversion mandates. Finally, the application must include documentation of support from the existing RMDZ jurisdictions and documentation of CEQA compliance. Staff assisted the County of Lake and the Sonoma/Mendocino RMDZ in the preparation of the application.

Over the past ten years, a cooperative working relationship in the field of economic development and business assistance has evolved between practitioners in Lake, Mendocino, and Sonoma counties. Specifically, Lake County economic development consultants have provided Sonoma County with technical assistance in establishing the Redwood Empire Small Business Development Center (SBDC). This is an established referral network that will enhance the capacity of operators in the redesignated area to provide RMDZ technical assistance and loan services on a regionally coordinated basis.

In addition, the Lake County economic development staff presently provide management of the SBDC in Mendocino County and in the last three years has successfully obtained over \$1.5 million in Community Development Block Grant Enterprise Funds on behalf of the City of Fort Bragg and Mendocino County. These business loan programs are managed by Lake County Business Outreach and Response Team (BORT), the economic development staff who would be managing the expanded zone territory. Close cooperation will be provided with waste reduction staff of the Lake County Public Services Department to develop marketing materials, manage networking and referral activities, and SBDC consultants.

The primary feedstock supply region for the redesignation zone will be Sonoma, Mendocino, and Lake counties. The redesignation area has adequate regional feedstock supplies and adequate commercial demand to develop local and regional markets for recycled materials and products, especially agriculture related feedstock. Lake County plans to research the three counties for waste stream items that are not currently being converted into feedstock for recycling businesses. In addition, Lake County has taken great strides in the last few years in the development of an extensive source separation recycling system. As part of the area's overall recycling strategy, steady expansion of source separation activities will be pursued.

If approved, the addition of Lake County to the RMDZ will provide a network of economic development and solid waste professionals who will actively promote recycling business development. Lake County will continue to work closely with Mendocino and Sonoma Counties to further develop their regional approach to waste diversion and economic development.

Findings

Staff of the Waste Characterization and Analysis Branch reviewed the Initial Study and Proposed Negative Declaration prepared by Lake County and found there to be no outstanding issues. Staff of the Waste Prevention and Market Development Division has reviewed the application, submitted on February 13, 1997, and found it to meet the requirements of the CCR and to be adequate to the needs of the program.

VII. ATTACHMENTS

1. Resolution # 97-75
2. Application Transmittal Letter

VIII. APPROVALS

Prepared by: Lisa Barry

Phone: 255-1122

Reviewed by: John R. Blue

Phone: 255-2451

Reviewed by: John D. Smith

Phone: 255-2413

Reviewed by: Caren Trgovcich

Phone: 255-2320

Legal Review: DP [Signature]

Date/Time: 3/17/97 10:30 AM

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION # 97-75**

**FOR THE REDESIGNATION OF THE SONOMA/MENDOCINO RECYCLING MARKET
DEVELOPMENT ZONE TO INCLUDE THE COUNTY OF LAKE**

WHEREAS, Public Resources Code sections 42010-42023 establish the Recycling Market Development Zone (RMDZ) Program for the development of Secondary Materials Business Enterprises; and

WHEREAS, Public Resources Code sections 40502 and 42013 grant the Board the authority to develop regulations describing the process for Recycling Market Development Zone application designation, and redesignation; and

WHEREAS, in accordance with Title 14, California Code of Regulations (CCR), section 17914, zones requesting redesignation must submit an application for redesignation including resolutions approving the expansion from all participating jurisdictions and making findings required by Public Resources Code Section 42010(b), a marketing plan for the proposed new jurisdiction, and proof of compliance with the California Environmental Quality Act (CEQA) requirements for the new jurisdictions in order to be approved for redesignation; and

WHEREAS, the Sonoma/Mendocino Recycling Market Development Zone has submitted the required resolution, demonstrated compliance with CEQA, and completed a marketing plan; and

WHEREAS, the Sonoma/Mendocino Recycling Market Development Zone has completed all the requirements for redesignation to include the County of Lake pursuant to the regulatory requirements found in 14 CCR 17914;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the redesignation of the Sonoma/Mendocino Recycling Market Development Zone to include the County of Lake and the incorporated cities of Clearlake and Lakeport.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director



ECONOMIC DEVELOPMENT BOARD

401 College Avenue, Suite D
 Santa Rosa, California 95401-5119, U.S.A.
 Tel (707) 524-7170 Fax (707) 524-7231

Ben Stone
 Coordinator

L (a) Letter from Zone Administrator Requesting Redesignation

Mr. Daniel G. Pennington
 Chairman
 California Integrated Waste Management Board
 8800 Cal Center Drive
 Sacramento, CA 95826

Dear Mr. Pennington,

I am pleased to submit on behalf of the County of Lake and the incorporated cities of Lakeport and Clearlake, an application to the California Integrated Waste Management Board for the redesignation of the Sonoma/Mendocino Counties Recycling Market Development Zone.

The Zone currently includes all of Sonoma and Mendocino counties as follows: the Sonoma County portion of the RMDZ encompasses the entire area of the County including all of the incorporated cities of Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma and Windsor and the Mendocino portion of the RMDZ encompasses the entire area of Mendocino County, including all the incorporated cities of Ukiah, Fort Bragg, Willits and Point Arena. With the submittal of this application we are proposing to expand the current Zone to include the entire unincorporated area of Lake County and the incorporated cities of Lakeport and Clearlake. The redesignation area is ideally located to compliment the existing Zone, and the Zone Administrator has already established a good working relationship with the new county and cities during this application process. In addition, we believe that expanding the existing Zone will make for a stronger more productive zone.

Further, the County of Lake and incorporated cities of Lakeport and Clearlake are committed to developing markets for post-consumer waste materials. They believe that it is necessary to participate in a Recycling Market Development Zone in order to assist recycling businesses create those markets; and as will be demonstrated later on in this application, the redesignation area has more than adequate industrial activity, commercial demand and feedstock supply to create additional markets for recycled materials and products.

Mr. Daniel G. Pennington
Page 2 of 2

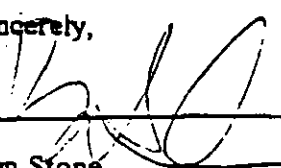
Therefore, on behalf of the Sonoma/Mendocino Counties Recycling Market Zone, we recommend that you approve the redesignation of the Zone to include the County of Lake and incorporated cities of Lakeport and Clearlake.

The contact person for this redesignation process is Mr. Chuck Doty, Chairman, Lake County Business Outreach and Response Team, P.O. Box 580, Lakeport, CA 95453, (707) 262-1090.

This application has been approved for submission by the current RMDZ area including the Board of Supervisors of Sonoma and Mendocino Counties and the City Councils of the incorporated cities of Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, and Windsor (in the County of Sonoma) and the incorporated cities of Ukiah, Fort Bragg, Willits and Point Arena (in the County of Mendocino) and by the proposed expansion area including the Board of Supervisors of the County of lake and the City councils of the incorporated cities of Lakeport and Clearlake. Copies of the enabling resolutions are contained in the appendix of this application.

Thank you.

Sincerely,



Ben Stone
Administrator
Sonoma/Mendocino RMDZ

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 34

ITEM: CONSIDERATION OF APPROVAL OF RECYCLING MARKET DEVELOPMENT ZONE PROGRAM LOAN APPLICATIONS FOR THE SPRING QUARTER, 1997:

- A. SALVADOR PLASCENCIA DBA M. MAINTENANCE CONSTRUCTION CLEAN-UP
- B. JOHN R. COOPER DBA INDUSTRIAL TIRE SERVICE
- C. COAST CONVERTERS, INC.

I. SUMMARY

This agenda item presents three Recycling Market Development Zone (RMDZ) loans for approval for the first quarter of 1997.

II. PREVIOUS COMMITTEE ACTION

The Market Development Committee at its March 13, 1997, meeting approved the staff recommendation for the three loans for the first quarter and forwarded the item to the Board for approval. The Committee also directed that the item be placed on the Board's consent calendar.

III. OPTIONS FOR THE BOARD

The Board may:

- 1. Approve the candidates recommended by Committee.
- 2. Modify the Committee's recommendation.
- 3. Take no action and provide staff with further direction.

IV. STAFF RECOMMENDATION

Staff recommends that the Board:

- 1) Approve the loans contained in Resolution as follows:
 - A. Salvador Plascencia DBA M. Maintenance Construction Clean-up
 - B. John R. Cooper DBA Industrial Tire Service
 - C. Coast Converters, Inc.

V. ANALYSIS

Together, the three loan projects represents a combined capacity of 31,000 tons per year (TPY) of new processing and manufacturing capacity. The combined total of RMDZ loan funds is \$1,273,000. These loans are projected to create approximately 42 new jobs.

The RMDZ loan program began accepting loan applications in February 1993. As of February 28, 1997, 52 loans have been closed in the amount of \$20.2 million. An additional 4 active loans in the amount of \$2.8 million have been approved by the Board, but are not yet closed.

These first quarter 1997 loans recommended to the Loan Committee for review are described in Attachment 4. The Interdivisional reviews of the loans are available upon request.

The Loan Committee considered the credit-worthiness of the eligible applicants, at its regularly scheduled meeting on February 25, 1997 and has recommended to the Market Development Committee the approval and authorization of the loans to the eligible applicants.

IV. FUNDING INFORMATION

Two loans totaling loans \$1,043,000 will be funded from the Recycling Market Development Revolving Loan Subaccount, and \$230,000 will be funded from the Tire Recycling Management Fund.

Amount Requested in Item: \$1,273,000

Fund Source:

- ☐ Used Oil Recycling Fund
- ☒ Tire Recycling Management Fund
- ☒ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other _____
(Specify)

Approved From Line Item:

- ☐ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other _____
(Specify)

Redirection:

If Redirection of Funds: \$ _____

Fund Source: _____

VI. ATTACHMENTS

1. Board Resolution 97-99
2. Loan Program Overview
3. RMDZ Loan Program Priority Criteria and Statutory Priority
4. Summary of RMDZ Loan Application

VII. APPROVALS

Prepared by: Charles E. Haubrich Phone: 255-2498

Reviewed by: *Robert Caputi* 3-13-97 Phone: 255-2442

Reviewed by: *John D. Smith* Phone: 255-2413

Reviewed by: *Caren Trgovcich* Phone: 255-2320

Reviewed by: *Marie LaVergne* 3/14/97 Phone: 255-2269

Legal: *Lori Cuyler* Date/Time: 3-17-97

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION 97-99**

**FOR CONSIDERATION OF APPROVAL OF RECYCLING MARKET DEVELOPMENT ZONE
PROGRAM LOAN APPLICATIONS FOR THE FIRST QUARTER, 1997**

WHEREAS, the Board is authorized to make loans to recycling businesses using postconsumer or secondary waste materials located in designated Recycling Market Development Zones from its Recycling Market Development Revolving Loan Account;

WHEREAS, Board staff solicited applications for loans for the Loan Program's January 3, 1997 application deadline;

WHEREAS, Board staff has determined that three (3) applicants are eligible for consideration of loan funding and has recommended to the Loan Committee the approval and authorization of the loans to eligible applicants;

WHEREAS, the Loan Committee has considered the credit-worthiness of the eligible applicants and has recommended to the Market Development Committee the approval and authorization of the loans to the eligible applicants;

WHEREAS, the Market Development Committee has considered the extent to which the eligible applicants meet the goals of the Recycling Market Development Zone Loan Program and has recommended to the Board the approval and authorization of the loans to the eligible applicants;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendations of the Board staff, the Loan Committee and the Market Development Committee, the Board hereby approves the funding of the following loans in the following original principal amounts as set forth next to the borrower's name, subject to all terms and conditions contained in the loan agreement to be prepared by Board staff for the loan in accordance with applicable regulations, and on such other terms and conditions as the Board or its duly authorized staff representative in its or their sole discretion deems necessary or advisable:

| <u>BORROWER</u> | <u>AMOUNT</u> |
|--|---------------|
| A. Salvador Plascencia DBA M. Maintenance Construction Clean-up | \$300,000 |
| B. John R. Cooper DBA Industrial Tire Service | \$350,000 |
| C. Coast Converters, Inc | \$623,000 |

RESOLVED FURTHER, that the Board, the Executive Director, its authorized representative, or the Executive Director's designee, be and each hereby is, authorized to do and perform any and all such acts, including execution of the loan agreement to be prepared by Board staff and all other documents or certificates as the Board or its authorized representative in its or their sole discretion deem necessary or advisable to carry out the purposes of the foregoing resolution.

RESOLVED FURTHER, that any actions taken by the Board or the Executive Director, its authorized representative, or the Executive Director's designee prior to the date of the adoption of the foregoing resolutions that are within the authority conferred by those resolutions, are hereby ratified, confirmed and approved as the acts and deeds of the Board.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

Overview of the RMDZ Loan Program

The RMDZ loan program was created pursuant to Public Resources Code section 42010 et seq. The program provides direct loans to businesses and local governments located in RMDZs. To qualify, businesses must use postconsumer or secondary waste materials in their production process and have proposed projects which are consistent with the Board's annually adopted objectives for the RMDZ loan program. Local governments may use funds for public works infrastructure which directly supports businesses who use postconsumer or secondary waste materials. The funds may be used by businesses for real property, equipment, working capital or refinancing of current debt.

Loans may be made for up to 50% of the cost of a project, with a maximum of \$1 million. The term of the loans must not exceed 10 years. The current interest rate is 5.5 percent, fixed.

The RMDZ loan program is funded by an annual \$5 million allocation from the Integrated Waste Management Account. According to Senate Bill No. 1535, signed by the Governor on September 19, 1996, and effective on January 1, 1997, the program will sunset on July 1, 2006.

Overview of Loan Approval Process

The RMDZ loan program operates on quarterly cycles. Loan applications submitted each quarter are evaluated by staff and submitted for approval to the RMDZ Loan Committee, Market Development Committee and the Board. Staff of the Board's Permitting and Enforcement Division review each project to determine whether or not the proposed operations would be considered "Solid Waste Facilities". The types of facilities being recommended for approval for RMDZ loans are considered "recycling facilities" by Permitting and Enforcement Division staff (Attachment 2). Recycling facilities are not included in the definition of "Solid Waste Facility" (PRC sections 40194, 40200) and are not currently required to obtain permits or permit exemptions.

After Board approval, loan documents are prepared by loan program staff and reviewed by the Board's legal counsel and by the borrowers. Usually, loans are approved by the Board subject to a series of special conditions, such as the need to perform an environmental assessment of properties taken as collateral, obtaining appraisals, or other financial documentation. Upon satisfaction of all special conditions, the loan is "closed," and funds are disbursed.

For the first quarter of 1997, the deadline for application submittal was January 3, 1997. Five new applications and one carried forward from 4th quarter 1996 were received. Staff evaluated each for financial soundness and project eligibility and determined that three qualified for recommendation to the RMDZ

Loan Committee. At its February 25, 1997, meeting the Loan Committee will review the loan requests. The results of that review will be presented to the Market Development Committee at its March 13th 1997, meeting.

Priority Ranking of Loans

As required by program regulations (14 CCR 17935.4 (b)), the loans recommended for approval by the Loan Committee, based strictly on their financial soundness, will be ranked by staff in order of their ability to satisfy the program's market development priorities.

Criteria for determining priority appear in statute, regulations and through annually adopted Board policies. (See Attachment 3.) Using a scoring scheme based on these criteria, RMDZ loan staff scores and ranks each proposed project. The rankings are provided before the date of the Market Development Committee meeting.

The priority criteria used in the scoring are:

| | |
|---|-----------|
| The likelihood of each proposed project to increase market demand for postconsumer materials. | 50 Points |
| The impact on markets for the Board's priority materials(mixed paper, high-density polyethylene, mixed plastics and compostable materials). | 25 Points |
| The size, in tons per year, of the proposed project. | 10 Points |
| Classification of the project within the integrated waste management hierarchy. | 10 Points |
| The use of other funds in the proposed project in addition to RMDZ loan funds. | 5 Points |

RMDZ Loan Program Priority Criteria

Statutory Priority

"The highest priority for funding shall be given to projects which demonstrate that the project will increase market demand for recycling the project's type of postconsumer waste material."
(PRC Section 42010(d)(3))

Regulatory Priority

"Priority consideration shall be given to projects which:... demonstrate the greatest use of other funds in the project and/or the highest degree of effort by the borrower to obtain other funds..." (14 CCR 17933 (2))

Board-Adopted Priority

Priority consideration shall be given to projects which satisfy the following 1996 RMDZ Loan Program Objectives:
(See Next Page)

1996 RMDZ Loan Program Objectives

Preamble: In marketing the RMDZ Loan Program, staff shall target businesses and projects which would best serve to achieve the program objectives adopted by the Board.

Objective #1: Maximize the effectiveness of the RMDZ Loan Program as a market development tool by restricting funding to projects which use materials normally disposed in solid waste landfills, as of 1990, as recycled feedstock to manufacture recycled-content end-products, or otherwise increase demand for secondary materials which directly support achievement of local waste diversion goals from solid waste landfills. Manufacturing, as described, does not include the clean up of nonhazardous contaminated soil.

Objective #2: Support the Board's current Market Development Plan by giving priority consideration to projects which utilize the Board's priority materials and divert the greatest tonnage, and support projects which utilize construction and demolition waste materials as feedstock.

Objective #3: Support the integrated waste management hierarchy by promoting in order of priority: 1) source reduction; 2) recycling and composting; 3) environmentally safe transformation and environmentally safe land disposal.

To achieve this objective, the Board shall:

- a. Give priority lending consideration to source reduction projects which satisfy objectives 1 and 2 above; and
- b. Give lowest lending priority to alternative daily cover and transformation projects, and limit funding of such projects to those which:
 - i. Produce value-added products.
 - ii. Are not detrimental to current or future efforts to increase source reduction, recycling or composting of the project's material type.
 - iii. Do not, in the aggregate, exceed 10% of all loan funds to be awarded during any annual loan funding cycle.

Summary of RMDZ Loan Applications

- A. Salvador Plascencia, a sole proprietor, DBA M. Maintenance Construction Clean-Up

RMDZ: Ventura

Loan Amount Requested: \$300,000

Use of Funds: Acquisition of machinery/equipment, and working capital

Market Impact:

| Construction & Demolition | Current | Projected Increase | Total |
|---------------------------|---------|--------------------|--------|
| Tons Diverted Annually | -0- | 30,000 | 30,000 |
| Jobs Created | 30 | 12 | 42 |

Priority Ranking Score: 83/100

Project:

Salvador Plascencia, DBA M. Maintenance Construction Clean-Up is requesting funds to expand his business to include the sorting, processing and reselling of new construction debris. Mr. Plascencia is requesting funds to lease a large facility, and purchase equipment, furniture & fixtures, and working capital to expand his business in the Ventura RMDZ.

Company:

M. Maintenance generates revenues by providing construction clean-up and erosion control services for Ventura area contractors and developers. Mr. Plascencia has provided this service in the Ventura area since 1976. Over the years M. Maintenance has grown to the point of being the largest new construction debris removal contractor in the Ventura area. The company's primary target is new single family home and apartment construction.

Landfill costs are a major component of the company's cost of services. Currently, M. Maintenance pays nearly \$15,000 per month to landfill construction debris. Mr. Plascencia is developing a sorting and processing site to reuse/recycle over 90% of the debris his company now sends to the landfill. Eventually, other clean-up contractors will be able to use the M. Maintenance facility to deposit their materials at a rate less than the local landfill.

Process/Products:

Materials will only be received from sites of new construction. No demolition debris, liquids, asbestos or asbestos-containing materials, or hazardous materials will be received at the site. The following materials will be accepted for recycling:

- Wood and lumber,
- Concrete and brick, and
- Roofing tiles (concrete and clay)
- Metal strapping, and
- Cardboard

Source-separated loads of materials from sites of new housing construction will be brought to the facility for recycling. The in-coming materials will be collected and loaded at the construction sites by the facility employees, thereby ensuring a high degree of control over the type and quality of materials brought to the facility.

Materials will be unloaded onto large concrete pads. Company employees will sort and process the materials as follows

- Lumber will be cut into useable lengths,
- Concrete and brick will be stockpiled and crushed into road base quarterly or as needed, and
- Non-recyclable residue will be landfilled (less than 10%).

Cardboard will be bailed and metals will be sorted into bins or trucks. Cardboard and metals will be sold to recycling centers. Useable re-cut lumber will be sold to area lumber suppliers, contractors, and truss manufactures. Concrete and bricks will be crushed and sold to contractors/developers for use as road base.

Regulatory Compliance:

The applicant has certified that the project is in compliance with all local, state, and federal laws, regulations, requirements and rules, including the California Environmental Quality Act found in Public Resources Code Sections 21000 et seq. According to staff of Permitting and Enforcement Division, the CIWMB does not regulate the company's activities at this time.

PRIORITY RANKING WORKSHEET

| CRITERIA | MAXIMUM POINTS AVAILABLE | POINTS AWARDED | SCORING JUSTIFICATION |
|------------------------------|---|---------------------------|---|
| Increase Market Demand | 50 | 50 | The project will directly result in a net increase in demand |
| Priority Material | 25 | 25 | C&D is a priority product |
| Diversion Impact | 10 | 6 | Total annual diversion is 30,000 tons |
| Support Hierarchy | 10 | 0 | Company will be recycling C&D materials |
| Leverage Other Funds | 5 | 2 | Total project costs are \$626,000. RMDZ funds of \$300,000 represents 48% of total project costs |
| TOTAL | 100 | 83 | |

B. John R. Cooper, a sole proprietor, DBA Industrial Tire Service

RMDZ: Long Beach

Loan Amount Requested: \$350,000

Use of Funds: Purchase Building, Acquisition of machinery/equipment, leasehold improvements, furniture and fixtures and working capital

Market Impact:

| Tires | Current | Projected Increase | Total |
|------------------------|---------|--------------------|-------|
| Tons Diverted Annually | 0 | 620 | 620 |
| Jobs Created | 5 | 10 | 15 |

Priority Ranking Score: 56/100

Project:

John R. Cooper, DBA Industrial Tire Service is requesting funding to expand his tire recapping/retreading business. Mr. Cooper is requesting funding to purchase a larger facility, equipment, furniture & fixtures, building improvements, and working capital to expand his business in the Long Beach RMDZ.

Company:

Mr. Cooper established Industrial Tire Service (ITS), on a part-time basis, in 1986. By late 1988 ITS had developed into an organization primarily focused on serving the needs of its customers in the Long Beach and Los Angeles harbors. In response to growing demand, the company moved to an 8,000 square foot building in Long Beach. Currently, the business has expanded to the point that it requires a larger location.

ITS supplies and services the tire requirements for shipping lines and stevedoring companies in both the ports of Long Beach and Los Angeles. ITS's main objective is to maintain a profitable business through reducing the overall maintenance costs for its client companies. Typically, a retread tire costs just 50% of a new tire.

In the past, maintenance costs were reduced by retreading as many of their customers scrap tire castings as possible. The retreading process was accomplished in either of two ways:

1. Retreading tires in the procured method (which is referred to as a cold process), is easier on the tire castings. The cold process minimizes the amount of heat applied to the casing, thus reducing the aging process, and

2. Conventional retreading, (which is considered a hot cap process), involves applying more heat to the casing. The criteria set by the National Tire Retread Association is less stringent for conventional retreading. This allows tires that have been rejected for the procured process and casings that have been damaged on the shoulders to be retreaded, without sacrificing quality.

Both processes require the old tire casings to be buffed and prepared to receive the new tread rubber. Previously, the buffed material was sent to the landfill. When the tire casing became no longer acceptable for either of the retreading processes, ITS would dispose of them by taking them to the landfill with no further processing involved.

Using a new and innovative process of incorporating buffed tread rubber with virgin retread rubber, ITS will be able to generate the same quality of rubber at a lower cost per pound. This will reduce the amount of scrap sent to the landfill.

ITS's other services include, but are not limited to; supplying solid tires for forklifts, providing automotive services and furnishing the materials and safety equipment to customers.

Product:

Currently, ninety percent of ITS's revenues are generated by supplying customers with their tire needs; from new golf cart tires to the largest off-the-highway tires available. Products include: new tires, conventional and procured retreads, solid forklift tires, and all materials and equipment necessary to service products. Services include; pick-up and delivery, mounts and dismounts, flat repairs, and solid tire pressing.

Recently, ITS began offering tire disposal and recycling of discarded tires. ITS is registered with the Board as a waste tire hauler. This has opened up a new market for sales and service.

Regulatory Compliance:

The applicant has certified that the project is in compliance with all local, state, and federal laws, regulations, requirements and rules, including the California Environmental Quality Act found in Public Resources Code Sections 21000 et seq. According to staff of the Permitting and Enforcement Division, this project may require an exclusion from the waste tire facility permitting requirements. The exclusion requires a completed application and they anticipate it will take 30 days to process the application once reviewed. This loan will not be funded unless appropriate permits are issued. The appropriate permits will be issued and the loan will close within 90 days of Board approval, or could, for just cause, be extended an additional 90 days. If the loan does not close within 180 days of approved, the Board's Loan offer terminates.

PRIORITY RANKING WORKSHEET

| CRITERIA | MAXIMUM POINTS AVAILABLE | POINTS AWARDED | SCORING JUSTIFICATION |
|---------------------------------------|---|---------------------------|--|
| Increase Market Demand | 50 | 50 | This project will directly result in a net increase in demand by supplying retreaded tires constructed with rubber waste now landfilled. |
| Priority Material | 25 | 0 | Tires are not a priority material per the 1996 program objectives. |
| Diversion Impact | 10 | 3 | This project proposed to divert 620 tons of tires. Since the tonnage is less than 1,000 tons per year, three points are awarded. |
| Support Hierarchy | 10 | 0 | Highest priority is given to reuse. This is not a reuse project. |
| Leverage Other Funds | 5 | 3 | Total project costs are \$782,375. RMDZ funds of \$350,000 represent 45% of the total project costs. |
| TOTAL | 100 | 56 | |

C. Coast Converters, Inc., a California corporation

RMDZ: Los Angeles

Loan Amount Requested: \$623,000

Use of Funds: Purchase Building, Acquisition of Machinery, equipment, and leasehold improvements

| Plastics | Current | Projected Increase | Total |
|------------------------|---------|--------------------|-------|
| Tons Diverted Annually | 300 | 400 | 700 |
| Jobs Created | 205 | 20 | 225 |

Priority Ranking Score: 83/100

Project:

Applicant has requested funds for the acquisition of a three-layer extruder, eight-color printing machine, and corresponding leasehold improvements. This equipment will allow the company to use post-consumer recycled-content resin in the plastic bags it manufactures and realize greater profit margins.

Company:

Coast Converters, Inc. was established in 1964 to custom manufacture low, medium, and high density polyethylene bags, and blow molded polypropylene bags. From its centrally located facility near downtown Los Angeles, it operates around the clock, seven days a week, 365 days a year. Coast Converters offers up to eight-color, off-line printing, with six color capability in both in-line and off-line configurations. Rounding out its full service capabilities is its stock bag division, which produces plastic bags in standard sizes.

In March, 1994, Coast Converters was purchased by its employees through an Employee Stock Ownership Plan (ESOP). The former owners of the company were of retirement age and sold their ownership interests. The current company ownership is 56% ESOP, 23% Leonard Greif, President, and 21% Mitchell Greif, Vice President. Both Leonard Greif and Mitchell Greif are actively involved in the day to day management of the company. Before becoming an owner, Mitchell was formerly a national sales manager with the company. Additionally, one of the former owners has been retained by the company as a consultant.

Product:

The company manufactures and imprints custom plastic bags for food service, industrial and health care companies mainly within the western United States. It operates its own extruder lines, printer, and converter. Some of the specialty products it

produces include: header bags, wicketed bags, perforated rolls, poly envelopes, and Lock-it[™]-adhesive reclosable bags. Coast Converters also offers complete packaging consultation and design with computer-aided production processes and expert personnel. With the acquisition of the three-layer extruder, Coast Converters will have the capability to utilize recycled-content resin in the middle layer of a three layer plastic bag for the food service industry.

Regulatory Compliance:

The applicant has certified that the project is in compliance with all local, state, and federal laws, regulations, requirements and rules, including the California Environmental Quality Act found in Public Resources Code Sections 21000 et seq. According to staff of Permitting and Enforcement Division, this particular project is not currently affected by the California Integrated Waste Management Board permitting requirements.

PRIORITY RANKING WORKSHEET

| CRITERIA | MAXIMUM POINTS AVAILABLE | POINTS AWARDED | SCORING JUSTIFICATION |
|---------------------------------------|---|---------------------------|--|
| Increase Market Demand | 50 | 50 | This project will directly result in a net increase in demand since the company will purchase an additional 400 tons of recycle-content resin. |
| Priority Material | 25 | 25 | High density plastic is a priority materials per Objective #2 of the 1996 program objectives. Full points are awarded. |
| Diversion Impact | 10 | 6 | This project proposed to divert 400 tons of mixed plastics. Since the tonnage is between 301 and 3,000 tons per year, 6 points are awarded. |
| Support Hierarchy | 10 | 0 | Highest priority is given to reuse. This is not a reuse project. |
| Leverage Other Funds | 5 | 2 | Total project costs are \$1,246,337. RMDZ funds of \$623,000 represent 50% of the total project costs. |
| TOTAL | 100 | 83 | |

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 37

ITEM: CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR
THE TULARE COUNTY RECYCLING COMPLEX, TULARE COUNTY

I. COMMITTEE ACTION

This item was prepared prior to the Permitting and Enforcement
Committee meeting scheduled for March.

II. BACKGROUND

Facility Facts

| | |
|-----------------------------|--|
| Name: | Tulare County Recycling Complex Facility No. 54-AA-0027 |
| Facility Type: | Material Recovery facility, Large Volume Transfer Station |
| Location: | 26951 Road 140, Visalia |
| Proposed Area: | 5.57 acres |
| Setting: | Zoned AE-40 (Exclusive Agricultural-40 acre minimum) |
| Proposed Daily Capacity: | 1,200 tons of throughput per operating day (TPD) |
| Design Capacity: | 1,200 TPD |
| Operational Status: | Currently operating as a recycling center (SWFP not required) |
| Proposed Waste Type: | Mixed municipal, construction/demolition, industrial, green waste |
| Owner/ Operator: | Ron Bevers, Gabe Pena Co-Owners Tulare County Recycling |

LEA: Lawrence A. Dwoskin
Deputy Health Services Director
Tulare County Department of Health Services

Proposed Project

The proposal is to obtain a Solid Waste Facility Permit which will allow the Tulare County Recycling Complex to commence large volume transfer station and material recovery operations.

III. SUMMARY:

History The Tulare County Recycling Complex has been servicing the city of Visalia and surrounding environs as a recycling facility since November 1995. The facility currently receives only source separated materials.

Project Description The Tulare County Recycling Complex is designed to accept and process 1,200 TPD of various waste types. The facility consists of an office building, employee break room, rest rooms, scale house, MRF operations building (which houses two elevated sort lines and a bailer), a buy-back center, collection and storage areas, and a transfer operations area.

Vehicles entering the facility will include trucks loaded with mixed municipal solid waste, transfer trucks, recyclable material trucks, curbside vehicles, and self-haul vehicles. All trucks will enter the facility and weigh-in at the scale. The scale house attendant will direct vehicle operators to their assigned location within the facility to discharge their material.

Materials unloaded onto the tipping floor can be fed to either the residential co-mingled material line or commercial material line. The wastes travel via conveyor belt system into the MRF building for processing. There are three different lines for processing: a residential co-mingled line, the commercial line, and the center line that feeds directly into the baler.

Clean loads are pushed to the center conveyor belt. Material such as, cardboard, glass, metal, woods, plastics, newspaper, office paper and mixed paper are hand picked by belt line sorters and thrown into separated bunkers located below the workers' platform. Non-recoverable waste material shall be removed (within 48 hours) by transfer trucks to a county landfill.

266

Environmental Control The Report of Station Information (RSI) submitted for this site has adequately described and prescribed environmental control measures that will minimize the effects of nuisance, dust, vectors and birds, drainage, litter, noise, odor, lighting, fire, and traffic. The RSI also describes station security, housekeeping, and hazardous waste screening in a manner that if applied as described will meet State Minimum Standards.

Resource Recovery According to the RSI, an 80% recovery rate will be achieved by sorting all loads of commercial waste, curbside recyclables, co-mingled material, baling source-separated loads of newspaper, high grade paper, cardboard, sorting recyclables from C&D debris, and transferring green yard waste and wood to off-site composting operations.

IV. ANALYSIS

Requirements for Concurrence with the Solid Waste Facility Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur with or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on February 26, 1997, the last day the Board may act is April 27, 1997.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found the permit to be acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

| 54-AA-0027 | Accept- able | Not Accept- able | To Be Deter- mined | Not Applic- able | See Details in Agenda Item |
|---|-----------------|------------------------|--------------------------|------------------------|----------------------------------|
| CIWMP Conformance (PRC 50001) | | | | ✓ | |
| CoSWMP Conformance (PRC 50000) | ✓ | | | | |
| General Plan Conformance (PRC 50000.5) | ✓ | | | | |
| Consistency With State Minimum Standards | ✓ | | | | |
| California Environmental Quality Act | ✓ | | | | ✓ |

California Environmental Quality Act (CEQA)

State Law requires the preparation and certification/adoption of an environmental document whenever a project requires discretionary approval by a public agency. The Tulare County Planning Commission prepared a Negative Declaration (ND), State Clearing House (SCH) #96092064, to analyze the effects of expanding waste types and volume and transfer station and material recovery operations that are proposed to operate in conjunction with the existing recycling operation. The ND determined that changes resulting from this project will not have a significant adverse environmental effect. Board staff reviewed the ND and provided comments to the County on October 24, 1996.

The Tulare County Planning Commission approved the project on October 24, 1996, and filed a Notice of Determination with the County Clerk on November 8, 1996.

After reviewing the environmental documentation for this project, Board staff have determined that CEQA has been complied with, and the ND is acceptable for the Board's use in evaluating the proposed project.

V. STAFF RECOMMENDATION

Because a new Solid Waste Facility Permit has been proposed, the Board must either object to or concur with the issuance of the permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 97-92 concurring with the issuance of Solid Waste Facility Permit No. 54-AA-0027.

VI. ATTACHMENTS

1. Location Map
2. Site Map
3. Permit No. 54-AA-0027
4. Permit Decision No. 97-92

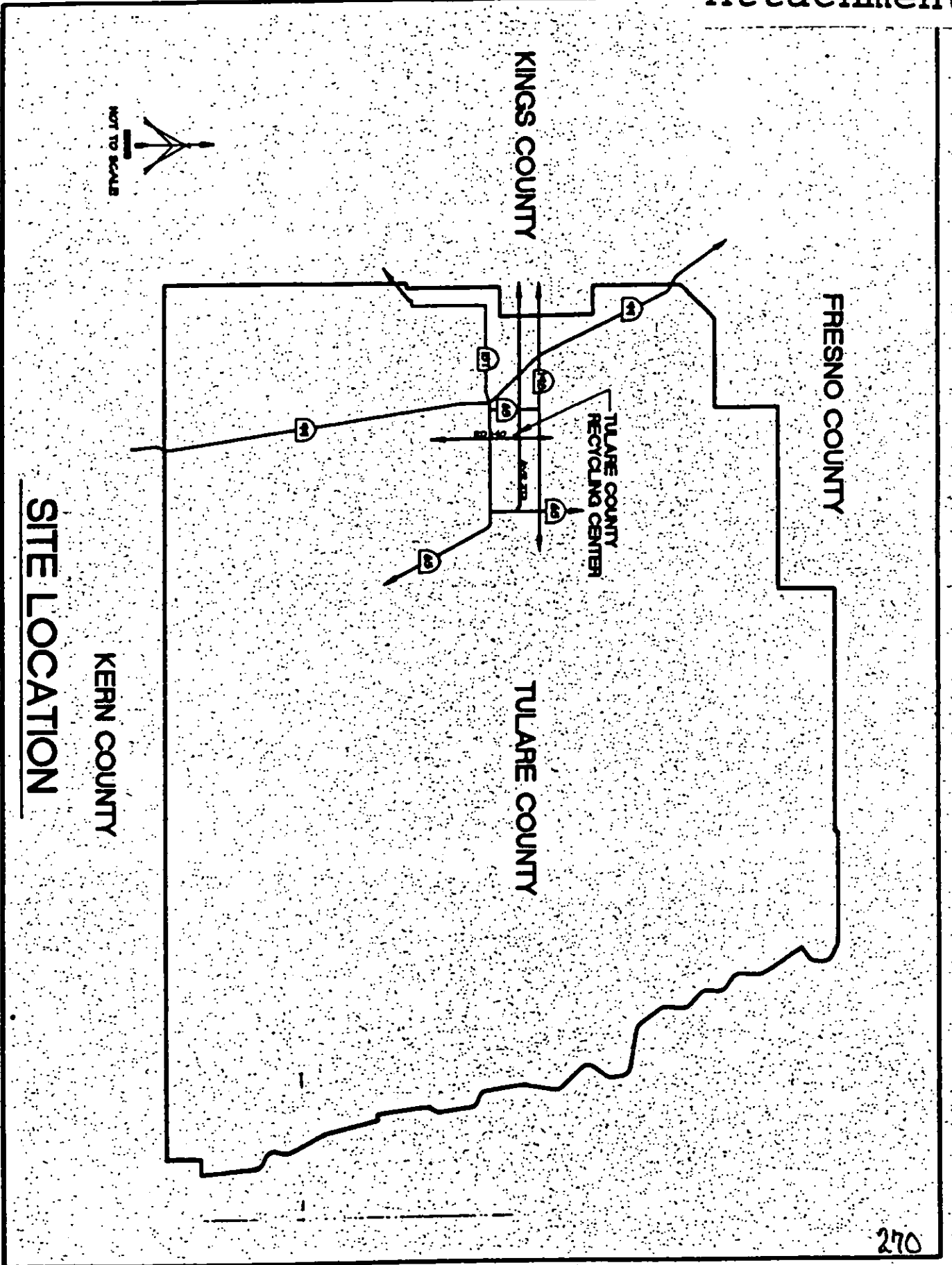
VII. APPROVALS

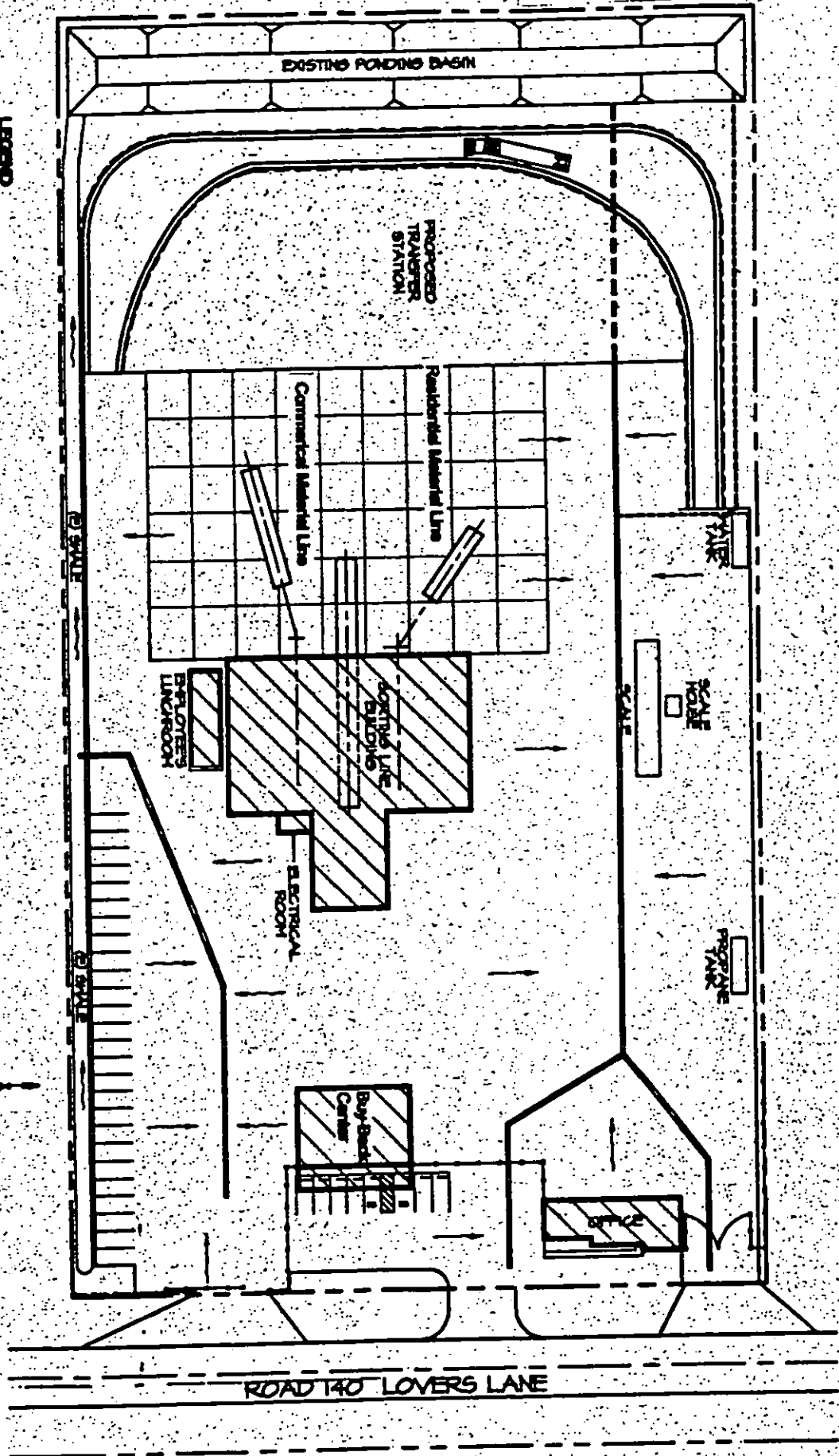
Prepared By: Terry Smith *TS* Phone: 255-4174

Reviewed By: *C.B.* Cody Begley/Don Diex *3/17/97* Phone: 255-4165

Approved By: Dorothy Rice *D Rice* Phone: 255-2431

Legal Review: *Kathryn Tobler* Date/Time: *3/13/97*





LEGEND

- INDICATES DIRECTION OF FLOW
- EXISTING VEE GUTTER TO REMAIN
- EXISTING VEE GUTTER TO BE REMOVED
- NEW UNDERGROUND STORM DRAIN

SCALE 1" = 80'



**TULARE COUNTY RECYCLING COMPLEX
DRAINAGE DIAGRAM**



Teter Consultants
Structural Engineers and Architects

10000 Avenue 100, Suite 100, Fresno, CA 93720
Phone: (559) 231-1111 Fax: (559) 231-1112

SOLID WASTE FACILITY PERMIT

1. Facility/Permit **Attachment**

Tulare County Recycling Complex
54-AA-0027

| | | |
|--|---|---|
| 2. Name and Street Address of Facility: Tulare County Recycling Complex 26951 Rd. 140 Visalia | 3. Name and Mailing Address of Operator: Tulare County Recycling Complex 26951 Rd. 140 Visalia, CA 93277 | 4. Name and Mailing Address of Owner: Ron Bevers 32031 Rd. 144 Visalia, CA 93277 Gabe Pena 12843 Ave. 416 Orosi, CA 93647 |
|--|---|---|

5. Specifications:

- a. Permitted Operations:
- | | |
|--|--|
| <input type="checkbox"/> Compost Facility (mixed waste) | <input type="checkbox"/> Processing Facility |
| <input type="checkbox"/> Compost Facility (yard waste) | <input checked="" type="checkbox"/> Transfer Station |
| <input type="checkbox"/> Landfill Disposal Site | <input type="checkbox"/> Transformation Facility |
| <input checked="" type="checkbox"/> Material Recovery Facility | |

- b. Permitted Hours of Operation: Mon. - Sun. 24 Hrs. A Day - Closed Christmas Day and New Years Day

| | | | |
|---|--------|-----------------|--------------|
| c. Permitted Tons per Operating Day: | Total: | 1,200 - Maximum | Tons/Day |
| Non-Hazardous - General | | N.A. | Tons/Day |
| Non-Hazardous - Sludge | | N.A. | Tons/Day |
| Non-Hazardous - Recyclables | | N.A. | Tons/Day |
| Non-Hazardous - Other | | N.A. | Tons/Day |
| Designated | | N.A. | Tons/Day |
| Hazardous | | N.A. | Tons/Day |
| d. Permitted Traffic Volume: | Total: | 129 | Vehicles/Day |
| Incoming waste vehicles | | 123 | Vehicles/Day |
| Outgoing waste vehicles (for disposal) | | 1 | Vehicles/Day |
| Outgoing material from material recovery operations | | 5 | Vehicles/Day |

e. Design Parameter

| | Total | Disposal | Transfer | M.R.F. | Compost | Transformation |
|----------------------------|-------|----------|----------|--------|---------|----------------|
| Permitted Area (acres) | 5.57 | N.A. | N.A. | 5.57 | N/A | N/A |
| Design Capacity (Tons/Day) | | N.A. | N.A. | 1,200 | N/A | N/A |
| Max. Elevation (Ft. MSL) | | N.A. | | | | |
| Max. Depth (Ft. BGS) Depth | | N.A. | | | | |
| Estimated Closure Date | | N.A. | | | | |

| | |
|---|---|
| 6. Approval: _____ Approving Officer Signature Lawrence A. Dwoskin/Deputy Health Services Director Name/Title | 7. Enforcement Agency Name and Address: Tulare Co. Environmental Health Co. Civic Center Visalia, CA 93291 |
| 8. Received by CIWMB: FEB 2 / 1997 | 9. CIWMB Concurrence Date: |
| 10. Permit Review Due Date: | 11. Permit Issued Date: |

272

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

Tulare County Recycling Complex
54-AA-0027

12. Legal Description of Facility:

Sec. 16, T.19S, R.25E, M.D.B. & M.

A.P.N.:

126-150-14

13. Findings:

- This permit is consistent with the Tulare County Solid Waste Management Plan. P.R.C., Section 50000(a)4.
- This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). P.R.C., Section 44010.
- The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Tulare County LEA during the physical inspection of October 13, 1996.
- The Tulare County Fire Department has determined the facility is in conformance with applicable fire standards as required in P.R.C., Section 44151.
- A County-wide Integrated Waste Management Plan has not been approved by the CIWMB.
- The Tulare County Planning and Development Department has made a determination that the facility is consistent with and meets in the Tulare County General Plan: P.R.C., Section 50000.5(a).
- The Tulare County Planning and Development Department has made a determination that surrounding land use is compatible with the facility operation as required in P.R.C., Section 50000.5(b).
- The Tulare County Planning and Development Department, acting as the lead agency, has filed a negative declaration with the state clearinghouse, Document # 96092064, pursuant to the C.E.Q.A. guidelines, Section 15070.

14. Prohibitions:

The permittee is prohibited from accepting the following items:

Hot Ashes
Dead Animals
Sewage Sludge
Hazardous Waste

Untreated Medical Waste
Whole Tires
Septic Tank Pumpings
Designated Waste

Grease
Burning Waste
Asbestos

15. The following documents also describe and/or restrict the operations of this facility:

| | Date | | Date |
|--------------------------|-------------------|------------------------|--------------------|
| [x] R.D.S.I. | <u>Jan - 1997</u> | [x] Special Use Permit | |
| [x] Negative Declaration | <u>Oct - 1994</u> | #94-017 | <u>Sept - 1994</u> |
| [x] Amended | <u>Oct - 1996</u> | Amended | <u>Sept - 1996</u> |

SOLID WASTE FACILITY PERMIT

Facility Permit Number:

Tulare County Recycling Complex
54-AA-0027

16. Self Monitoring:

Results of all self-monitoring programs, as described in the R.S.I., will be reported as follows:

| Program | Reporting Frequency | Agency Reported To |
|---|---------------------|--------------------|
| A. Volume/Wt. Records: The operator shall record all volumes of incoming waste each operating day. | Monthly | L.E.A. |
| B. Unusual Occurrences: All unusual occurrences such as fires, explosions, accidents, haz. waste discoveries, etc., shall be recorded in a permanent log. | As Requested | L.E.A. |
| C. Traffic Results of the vehicle count monitoring program shall be submitted. | Monthly | L.E.A. |

274

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

Tulare County Recycling Complex
SA-AA-0027

7. LEA Conditions:

- A. This facility shall comply with all applicable federal, state, and local requirements for Transfer Stations and Material Recovery Facilities.
- B. This facility shall comply with all applicable State Minimum Standards for Solid Waste Handling.
- C. The operator shall make copies of all inspection reports and permits issued by this and other regulatory agencies available for review by site personnel and authorized representatives of all responsible agencies during normal office hours.
- D. Any additional information the LEA deems necessary to permit and inspect this facility shall be provided by the operator.
- E. The operator shall adhere to the terms of this permit and its related documents.
- F. Unusual occurrences such as fires, accidents, injuries, explosions, unusual discharges of waste, etc., shall be recorded in a permanent log.
- G. The operator shall notify the LEA, in writing, of any proposed changes in the facility operation. Any significant change would require a revision of this permit.
- H. The operator shall notify the L.E.A. at least 30 days prior to closure of the facility.
- I. Site access shall be granted for the purpose of inspection without prior notification by the L.E.A. or the C.I.W.M.B.
- J. The L.E.A. reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, imminent health hazard, or the creation of a public nuisance.
- K. Material stockpiled on site shall be stored and maintained in a manner to prevent nuisances, vector harborage, odors, or off-site migration of liner.
- L. This MRF must recover for reuse or recycling at least 15% of the total volume of material received by the facility.
- M. The L.E.A. reserves the right to require the operator to provide more stringent dust control measures if the proposed dust control measures prove inadequate.

Attachment 4

California Integrated Waste Management Board
Permit Decision No. 97-92
March 26, 1997

WHEREAS, the Tulare County Recycling Complex has been in operation and servicing the city of Visalia and surrounding environs as a recycling facility since November 1995; and

WHEREAS, the operator of the Tulare County Recycling Complex, has submitted to the Local Enforcement Agency (LEA), Tulare County Department of Health Services, Environmental Health Services Division, an application for a new Solid Waste Facility Permit (SWFP) to allow the recycling facility to begin operating as a material recovery facility and a large volume transfer station; and

WHEREAS, the LEA has submitted to the Board for its review and concurrence with or objection to the issuance of a new SWFP for the Tulare County Recycling Complex; and

WHEREAS, the Tulare County Planning Commission, acting as lead agency for the California Environmental Quality Act (CEQA) review, prepared a Negative Declaration (ND), State Clearinghouse (SCH) #96092064, that analyzed the potential adverse effects of the project on the environment and determined that this project will not have a significant effect on the environment; and

WHEREAS, the ND was considered and approved by the Lead Agency on October 24, 1996, and a Notice of Determination was filed with the County Clerk on November 8, 1996; and

WHEREAS, Board staff have determined that CEQA has been complied with, and the ND is acceptable for the Board's use in evaluating the proposed project; and

WHEREAS, the LEA and Board staff have evaluated the proposed permit and supporting documentation for consistency with standards adopted by the Board and have determined that the

facility's design and proposed operations are consistent with State Minimum Standards; and

WHEREAS, the Board finds that all applicable state and local requirements for the proposed permit have been met, including conformance with the Tulare County Solid Waste Management Plan, consistency with the Tulare County General Plan, and compliance with CEQA.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs with the issuance of Solid Waste Facility Permit No. 54-AA-0027.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 38

ITEM: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT
FOR THE WEST MIRAMAR LANDFILL, SAN DIEGO COUNTY

I. COMMITTEE ACTION

At the time this item was prepared, the Permitting and Enforcement Committee had not met to make a decision on this item. New information has been made available to Staff's analysis and therefore some minor changes are reflected in this item by ~~strikeout~~ and underline for up-to-date information.

II. BACKGROUND

Facility Facts

| | |
|---------------------------|--|
| Name: | West Miramar Landfill Facility No. 37-AA-0020 |
| Facility type: | Class III Landfill |
| Location: | 5801 Convoy Street San Diego, California |
| Area: | 807 acres, of which 470 acres are for disposal |
| Setting: | Federal land, designated as a military base. |
| Permitted Daily Capacity: | 3,600 tons per day |
| Proposed Daily Capacity: | 8,000 tons per day; 1,400,000 tons per year |
| Operational Status: | Active, permitted |
| Waste Type: | Municipal Solid Waste |
| Volumetric Capacity: | As of June 1995, the remaining capacity was estimated to be 44.0 million cubic yards |
| Owner: | United States of America Department of the Navy |

Operator: City of San Diego
Environmental Services Department
Refuse Disposal Division
Mr. Robert J. Ferrier, Deputy Director

LEA: Mr. Daniel J. Avera, Director
County of San Diego, Department
of Environmental Health

Proposed Project

The revision of the permit would allow the operator to incorporate the following changes:

- Installation of a liner
- Increase in tonnage from 3,600 TPD to 8,000 TPD with an average of 1,400,000 tons per year
- Reflect the current site access road off Convoy Street (previous access Mercury Street)
- Implementation of a Hazardous Waste Exclusion Program
- Implementation of recycling programs: buy back center; green waste; dry wood; and porcelain
- Operation of a fleet staging area
- Operation of an aggregate recovery operation
- Develop a separate public tipping area
- Installation of a flare station

III. SUMMARY

Site History the West Miramar Landfill (WML) is located within the City of San Diego on the southwestern portion of the Naval Air Station (NAS) Miramar. The landfill site is located within an 807 acre parcel of federally owned property of which approximately 470 acres has been designed for refuse fill. The City of San Diego, Environmental Services Department operates the landfill under a lease from the United States Government through the Department of the Navy.

Landfill operations at NAS Miramar have occurred in three separate and geologically discreet areas known as: South Miramar landfill area, North Miramar landfill area and West Miramar landfill area. Refuse Disposal operations initially began in 1959 in the South Miramar landfill area and ceased operations in 1973. The landfill operations at the North Miramar landfill area were conducted from 1973 through 1983. Landfilling at the WML began in 1983 and is currently ongoing.

The San Diego County, Department of Environmental Health (LEA) issued the current permit to the West Miramar Landfill in 1982. State inspections indicated that significant changes had occurred at the site. As a result, in 1996 the operator (City of San Diego, Environmental Services Department) submitted an application for a permit revision.

Proposed Project The WML consists of two phases: Phase I (closed) and Phase II (active). Phase II of the WML is being developed in accordance with a master site development plan which is comprised of seven individual refuse cells referred to as modules. These modules are designated 1, 2/3, and A through E. Refuse disposal operations are currently being conducted in Module 2/3 of Phase II.

The WML is located north of State Route (SR) 52 between Interstate Highways 805 and 15. Specifically, access to the site is gained from Convoy Street, off SR-52, via a paved two lane road. The WML is located within a military base which is relatively undeveloped and buffered from off-site residential areas. The land surrounding the WML is currently used primarily for park/open space, aircraft operations and industrial/commercial uses.

The majority of refuse accepted at the WML comes from the City of San Diego with smaller amounts from surrounding communities. The majority of waste is delivered to the site by commercial refuse vehicles (e.g. transfer trailers, packers) with the remainder of the waste stream delivered by private vehicles.

Wastes received at the WML consist of municipal solid waste. The entrance facility is located along a main access. The access road widens to six lanes at the entrance facility where three fee booths handle four scales (three for in-bound traffic and one for weighing back-bound traffic).

Upon acceptance of waste for disposal at the scalehouse, vehicles are directed by the scalehouse operator to the working face of the landfill. Signs are posted along the internal haul roads to guide customers to the designated unloading areas. Both commercial and private vehicles are directed to the working face but to separate tipping areas to reduce safety problems for customers, to better handle unloading and load checking activities and to expedite unloading for the commercial haulers. The daily working face is approximately 200 feet wide which is sufficient to accommodate unloading of waste during an operating day. The commercial unloading area is generally maintained at the toe of the working face so that wastes can be immediately spread and compacted. Smaller private vehicles are directed to a

separate unloading area located away from the commercial vehicle unloading area which is generally located at the top of the working face.

The administrative office and operations center consists of several large mobile trailers grouped together and located along the southeastern edge of the Phase I area of the WML. The site has four on-site recycling programs consisting of a buy-back recycling center located just inside the Convoy Street entrance. The greens and dry wood waste, and porcelain recycling areas are located on the deck area of Phase I.

An aggregate recovery operation also known as the rock extraction program is located along Phase II of the site. The program is run by a private contractor who excavates earthen materials from the various modules of the Phase II area. All material passing a half-inch screen is made available to the operator for landfill cover. The remaining material is processed by the contractor into construction material for use off-site.

Environmental Controls At the time this item was prepared, aspects of the RDSI were still being analyzed to determine if this facility would be able to comply with State Minimum Standards, if operated as described.

IV. ANALYSIS

Requirements for Concurrence with the Solid Waste Facility Permit Pursuant to the Public Resources Code, Section 44009, the Board has 60 days to concur in or object to the issuance of a proposed solid waste facility permit. Since the proposed permit was received on February 14, 1997, the last day the Board may act is April 11, 1997.

The LEA has submitted a proposed permit to the Board. At the time this item was prepared, there were certain elements that needed verification. The following matrix illustrates the pending issues and those that have been determined to be adequate:

| 37-AA-0020 | Accept- able | Unaccept- able | To Be Deter- mined | Not Appli- cable | See Details in Agenda Item |
|--|-----------------|-------------------|--------------------------|------------------------|----------------------------------|
| CIVWMP Conformance (PRC 50001) | | | | X | |
| CoSWMP Conformance (PRC 50000) | | | X | | |
| General Plan Conformance (PRC 50000.5) | | | X | | |
| Consistency With State Minimum Standards | | | X | | |
| California Environmental Quality Act | X | | X | | X |
| Closure/Post-Closure Maintenance Plan | X | | | | |
| Funding for Closure/Post-Closure Maintenance | X | | | | |
| Operating Liability | X | | | | |

In addition, staff offer the following analysis:

1. Compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA)

Federal and state law requires the preparation and certification of environmental documents which analyze potential impacts and identify mitigation measures which will alleviate or reduce environmental impacts associated with a proposed project. The U.S. Department of the Navy and the City of San Diego, acting as Lead Agency, prepared a Program Environmental Impact Statement/Report and the City prepared several Negative Declarations for the proposed changes in the Solid Waste Facility Permit. Documentation supporting the changes is listed below:

A. Programmatic Environmental Impact Statement/Report for the Miramar General Development Plan/Fiesta Island Replacement Project/Northern Sludge Processing Facility/West Miramar Landfill Phase II and Overload Disposal (SCH# 94044014). The federal action (NEPA) involves the allowance of the modification of the existing easement. The local actions (CEQA) allow the following:

Household Hazardous Waste Transfer Station
Relocation of an Existing Recycling Center
Vehicle Booth and Fee Booth Modifications
Installation of Siltation Basins
Revegetation Nursery
Sludge Processing Facility
Modification of Fuel Pipelines, other pipelines and
utilities
Access Road
Transfer and Materials Recover Facility, Relocation of

Green Waste/Wood Recycling operation and Composting Operation

Since a federal action was involved with the project, a Record of Decision was published. The City Council adopted a Statement of Overriding Considerations in accordance with Public Resources Code section 21081 subsection (b) and filed a Notice of Determination. The Statement of Overriding Considerations (Attachment 4) includes a Finding stating that additional environmental analysis for planning and engineering of future project-specific phases of the General Development Plan would be necessary; that approval of the General Development Plan establishes a framework for a comprehensive program for integrated waste management; and finds that public benefits are associated with specific elements of the General Development Plan.

- B. Mitigated Negative Declarations for Installation and Operation of a Landfill Gas Collection System and Flare Station for North Miramar Sanitary Landfill (no SCH#), and for West Miramar Phase I Landfill (SCH #95061018), Phase II (SCH# 96011064) South Miramar Landfill (SCH# 94101008).
- C. Negative Declaration for West Miramar Landfill Phase II Liner/ Module A (SCH #95091051)
- D. Negative Declaration for Buy-back Center, Green Waste and Dry Waste Recycling programs (SCH #96021056), as well as the following:

Aggregate extraction program
Disposal of 100,000 tons per year of treated sewage sludge, screenings and grit
Increase in tonnage from 3,600 to 8,000 tpd (inclusive of sludge, screenings and grit)
Increase landfill capacity of phase II area of the landfill
Extend the closure date to 2011.

The City adopted the documents and approved the projects and filed Notices of Determinations. After reviewing the documentation, staff finds that the EIS/EIR and the Negative Declarations are appropriate for the Board's consideration.

V. STAFF RECOMMENDATION

Because a revised Solid Waste Facility Permit has been proposed, the Board must either concur with or object to the issuance of the permit as submitted by the LEA.

At the time this item was prepared, the following aspects needed verification: conformance with Public Resources Code (PRC) Sections 50000 and 50000.5; adequacy of the Report of Disposal Site Information, and consistency with State Minimum Standards. Staff will present a recommendation at the Permitting and Enforcement Committee Meeting.

VI. ATTACHMENTS

1. Location Map
2. Site Plan
3. Proposed Permit
4. Statement of Overriding Considerations

Prepared by: Amalia Fernandez Phone: 255-3301

Reviewed by: Suzanne Hambleton 3/6/97 Don Diez 3/7/97 Phone: 255-2453

Approved by: Dorothy Rice D. Rice Phone: 255-3124

Legal Review: Kathryn J. Dobier Date/Time: 3/13/97

SAN DIEGO COUNTY

ATTACHMENT 1

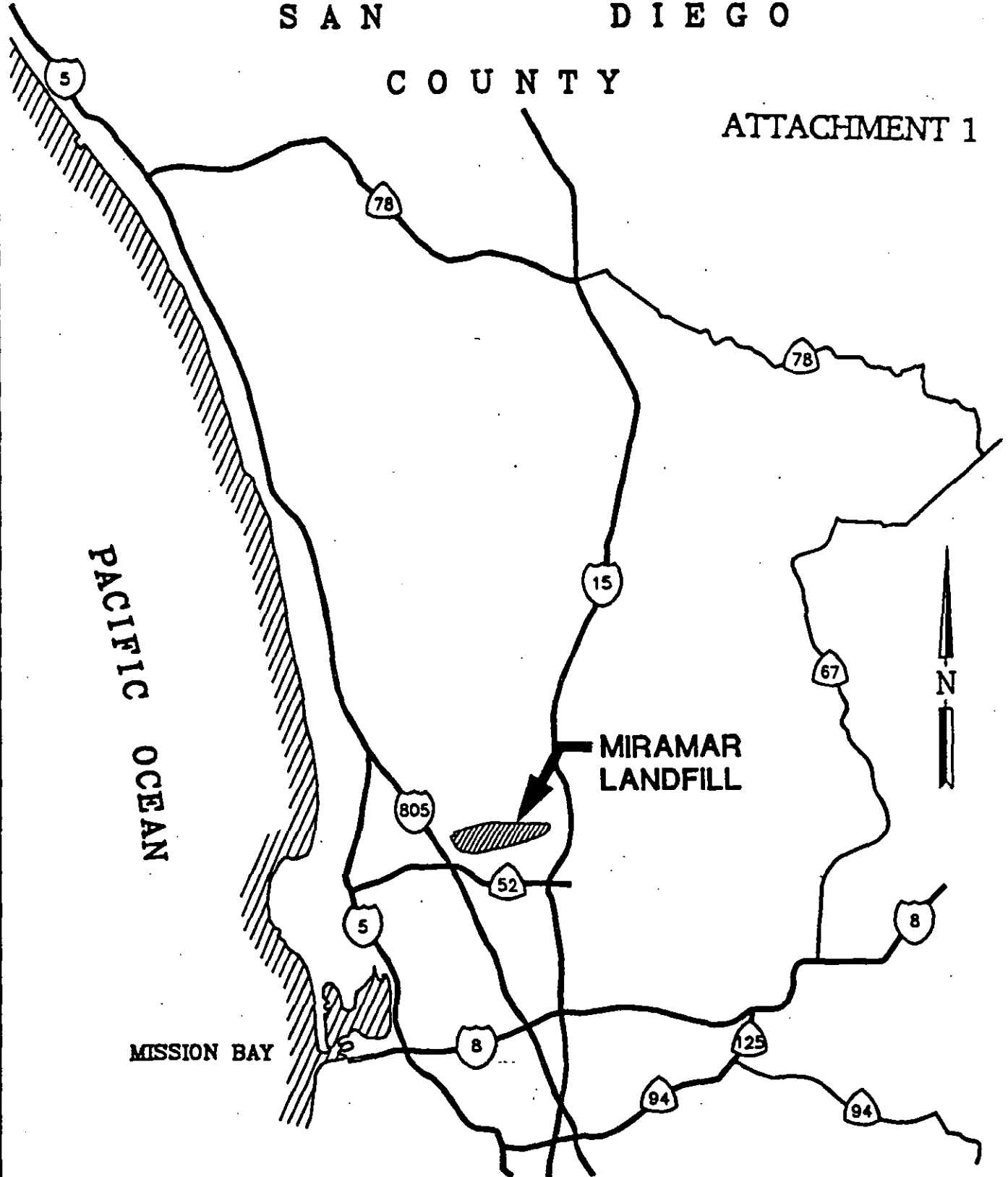
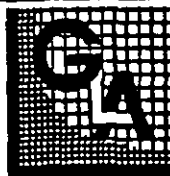


FIGURE B.1-1



(619) 694-1166

BRYAN A. STIRRAT & ASSOCIATES
CIVIL AND ENVIRONMENTAL ENGINEERS
9665 CHESAPEAKE DRIVE, SUITE 230 SAN DIEGO, CA 92123



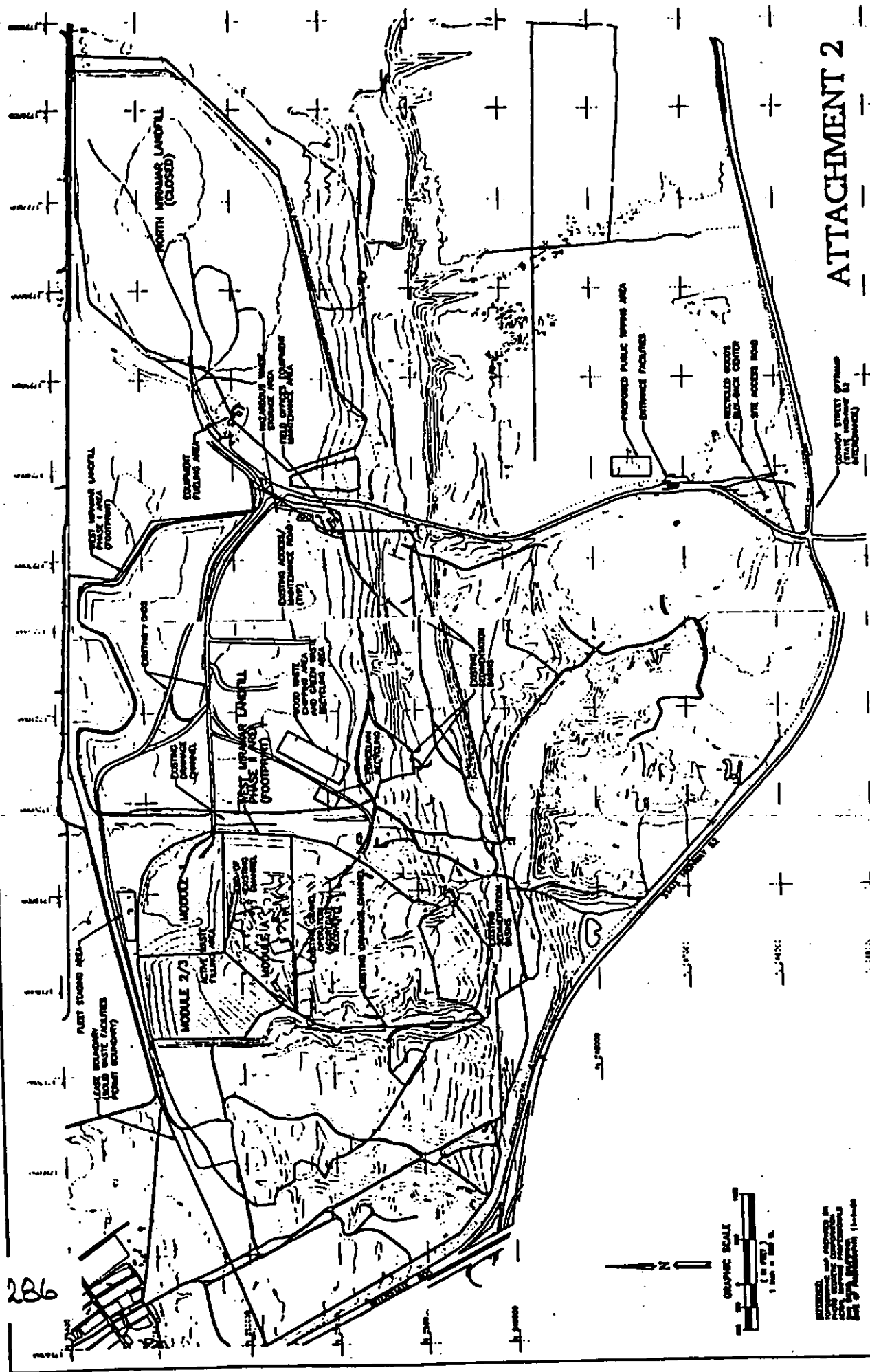
WEST MIRAMAR LANDFILL VICINITY MAP

285

DRAWN BY
SNA

BRYAN A. STIRRAT & ASSOCIATES
JRS

286



SOLID WASTE FACILITY PERMIT

37-AA-0020

| | | |
|---|--|---|
| 2. Name and Street Address of Facility: West Miramar Sanitary Landfill 5801 Convoy Street San Diego, CA 92111 | 3. Name and Mailing Address of Operator: City Of San Diego Environmental Services Department Refuse Disposal Division 9601 Ridgeway Court San Diego, CA 92123-1636 | 4. Name and Address of Owner: United States Of America Department Of The Navy MCAS MIRAMAR 45249 Miramar Way San Diego, CA 92145-5196 |
|---|--|---|

5. Specifications:**a. Permitted Operation:****Landfill Disposal Site****b. Permitted Hours of Operation : (See Condition a. of Section 17)****Dawn to Dusk****c. Maximum Permitted Tonnage: (See Condition b. of Section 17)**
1,400,000 Tons/year
8,000 Tons/day
d. Maximum Permitted Traffic Volume: (See Condition: c. of Section 17)**1400 Vehicles/Day****e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):**

| | |
|-------------------------|------------------------|
| Total Permitted Site | 807 Acres |
| Permitted Disposal Area | 470 Acres |
| Remaining Capacity | 35,200,000 Cubic Yards |
| Max. Height (MSL) | 470 Feet |
| Max. Excavation (MSL) | 237 Feet |
| Estimated Closure Date | November 2011 |

This permit is solely granted to the operator named above. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

| | |
|---|--|
| 6. Approval: _____ Approving Officer Signature DANIEL J. AVERA, Director Name/Title | 7. Enforcement Agency Name and Address: San Diego County Department of Environmental Health P.O. Box 85261 San Diego, CA 92186-5261 |
| 8. Received by CIWMB: FEB 14 1997 | 9. CIWMB Concurrence Date: |
| 10. Permit Review Due Date: | 11. Permit Issued Date: 287 |

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

37-AA-0020

12. Legal Description of Facility:

5801 Convoy Street, San Diego, Ca 92111

Township 15 South, Range 3 West, Sections 22, 23, & 24, San Bernardino Base and Meridian (see GROUND LEASE between the City of San Diego and the United States of America, acting by and through the Department of the Navy, dated August 17, 1995)

13. Findings:

- a) This facility is a solid waste landfill identified and described on pages III-21 and III-22 of the County Solid Waste Management Plan (CoSWMP) dated 1986. (Public Resources Code § 50000(a)(1)).
- b) This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). (Public Resources Code § 44010).
- c) The LEA has determined that the design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal, based on a review of the April 1996 Report of Facility Information and an inspection of the facility conducted on January 30, 1997.
- d) The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable General Plan: Nick Olser, Senior Planner, City of San Diego Planning Department. (Public Resources Code § 50000.5(a)).
- e) The following local governing body has made a written finding that the surrounding land use is compatible with the facility operation, as required in Public Resources Code § 50000.5(b): The Planning Commission of the City of San Diego.
- f) The LEA has reviewed and considered the information contained in the negative declaration (DEP # 95-0272) prepared by the City of San Diego and dated June 5, 1996, including the environmental effects of issuing this revised solid waste facility permit, and finds that there are no significant unmitigable environmental effects arising from the issuance of the solid waste facility permit. The LEA has further filed a Notice of Determination with the County Clerk dated February 13, 1997, on this revised Solid Waste Facility Permit.

14. Prohibitions:

The permittee is prohibited from accepting any liquid waste that is less than 50% solid by weight, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

Sewage sludge may be accepted as specified in conditions contained in the Waste Discharge Requirements

15. In addition to the terms of this SWFP, the following documents describe the operation of this facility

| | Date | | Date |
|---|-------|--|-------|
| Report of Facility Information | 04-96 | Conditional Use Permit #10-632-0 | 07-81 |
| Preliminary Closure/Post Closure Plan | 09-96 | Waste Discharge Requirement Order # 87-54 | 06-87 |
| Closure Financial Responsibility Document | 09-96 | Air Pollution Control District Permits: Variance Petition #3047 | 05-95 |
| Lease Agreements - Owner and Operator | 08-95 | Permit to Construct/Operate #950804 | 10-96 |

SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 37-AA-0020

16. Self Monitoring:

Results of all self-monitoring programs will be reported as follows:

| Program | Reporting Frequency | Agency Reported To |
|---|--|--------------------|
| TONNAGE RECORDS: The operator shall maintain, and keep current, all records used to determine daily tonnage. | QUARTERLY (See Conditions b. & d. of Section 17) | LEA |
| TRAFFIC RECORDS: The operator shall maintain, and keep current, a record of all vehicles hauling solid waste to the facility. | QUARTERLY (See Conditions c. & d. of Section 17) | LEA |
| REMAINING CAPACITY: The operator shall prepare and submit report regarding remaining capacity at the site. | ANNUALLY | LEA |

17. LEA Conditions:

- a) Without prior written or verbal approval from the LEA to allow otherwise, waste may be accepted only during the hours described in the most current RFI.
- b) Maximum permitted tonnage per year is based on any consecutive 12-month period. At the time of inspection, compliance with this condition will be evaluated based on the 12-month period prior to the inspection date. Tonnage records for the previous 12-month period shall be provided for inspection by the LEA at the conclusion of any inspection or upon request during normal business hours.
- c) Maximum permitted traffic volume is based on the number of vehicles hauling waste to the facility. Vehicle traffic records for the previous 12-month period shall be provided for inspection by the LEA at the conclusion of any inspection or upon request during normal business hours.
- d) Tonnage and traffic records shall be submitted to the LEA by mail on a quarterly basis and summarized on a form provided by the LEA for that purpose. The reporting periods and the due dates are: January through March, May 1; April through June, August 1; July through September, November 1; and October through December, February 1.
- e) The operator shall submit to unannounced inspections during permitted hours of operation. Such inspections may occur before the start of or after the end of waste deposition activities.
- f) The operator shall maintain a complete copy of this SWFP, Report of Facility Information and State Minimum Standards for Solid Waste Disposal Sites at the site at all times.
- g) No significant change in design or operation of this facility shall be taken without prior application to and approval by the LEA.
- h) Additional information related to compliance with this permit or information concerning the design and operation of this facility shall be furnished to LEA upon request.
- i) The SWFP is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause. 289

**STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE MIRAMAR LANDFILL GENERAL DEVELOPMENT PLAN AND
FIESTA ISLAND REPLACEMENT PROJECT/NORTHERN SLUDGE PROCESSING
FACILITY & WEST MIRAMAR LANDFILL PHASE II: OVERBURDEN DISPOSAL**

The decision-makers, having reviewed and considered the information contained in the Final Programmatic Environmental Impact Statement/Master Environmental Impact Report (PEIS/MEIR), and having reviewed and considered the public record, find that the following considerations support approval of the project despite any significant impact identified in the Final PEIS/MEIR and make the following Statement of Overriding Considerations.

Miramar Landfill General Development Plan (GDP) - Phases II and III

No overriding considerations are necessary for the GDP-Phase I elements (i.e., Household Hazardous Waste Transfer Station, Relocation of the Existing Recycling Center, Vehicle Maintenance Facility Modification, Fee Booth Modification, Installation of Landfill Siltation Basins, and Revegetation Nursery Area) because no unmitigable significant impacts are expected to occur from these projects.

The following overriding considerations apply to the projects anticipated for Phases II and III of the GDP (i.e., Materials Recovery Facility, Environmental Complex, Public Transfer Station (Tipping Deck), Relocation of Greens/Wood Waste Recycling Facility, Cogeneration Plant, and Paper Pulp Processing Plant) in light of the unmitigated significant impacts which are identified in the preceding Findings. It is important to note that impacts for Phase II and III elements are considered within the Findings to be significant largely because the level of planning for these future projects is still in a conceptual stage and specific mitigation measures cannot yet be determined (e.g., without knowing how a potential impact will be mitigated, it is not possible to conclude that it will be mitigated to a level less than significant). The City of San Diego finds the potentially significant impacts of the GDP-Phase II and III elements to be acceptable based on the following:

- The future, more detailed planning and engineering for Phase II and III elements will be accompanied by additional environmental analysis which will reassess the significance of potential impacts in light of specific mitigation measures determined at that time.
- Approval of the GDP inclusive of the Phase II and III elements will establish the framework for a comprehensive program for integrated waste management. The Phase II and III elements are key components in supporting GDP objectives related to collocating waste management facilities and achieving associated efficiencies (i.e., cost efficiencies, convenience to the residents and commercial users, reduced traffic, air quality and energy consumption impacts, etc.).
- In addition to supporting the overall objectives of the GDP, the following public benefits are associated with specific elements of Phases II and III of the GDP:
 - Meeting the requirements of AB 939, which established mandatory waste diversion goals of 25 percent by the year 1995 and 50 percent by the year 2000, would be assisted with the development of the Materials Recovery Facility.

- The Environmental Complex proposed to be located onsite will provide for more cost-effective and efficient research efforts in conjunction with the nearby waste management facilities.
- The Cogeneration Plant is proposed to be located onsite to capture and use landfill-produced methane gas which would result in energy savings and no longer be wasted by burning off in flares. Additionally, this improved efficiency in using methane gas would also avoid the negative air quality impacts associated with landfill flares.
- The Paper Pulp Processing Plant will provide for the recycling/reprocessing of about 70,000 tons of waste paper per year which would otherwise have to be disposed of in a landfill. The resultant public benefit of the PPPP would include both energy and resource conservation and extended landfill life.
- The Household Hazardous Waste Transfer Station will provide an alternative to household hazardous waste collection events and will reduce the risk of hazardous wastes being disposed of in the landfill.
- The Public Tipping Dock will separate the public from heavy equipment at the landfill, therefore reducing the potential risk of injury to the public.

Fiesta Island Replacement Project/Northern Sludge Processing Facility (FIRP/NSPF) - Project Level

The following overriding considerations apply to the unmitigable air quality and visual impacts of the FIRP/NSPF:

- Development of the FIRP/NSPF at the proposed project site provides for a feasible and timely replacement of the existing Fiesta Island Sludge Air-Drying Beds and, relatedly, provides for consistency with the Mission Bay Master Plan by converting the existing use to park use.
- Development of the FIRP/NSPF at the proposed project site serves as a strategic element in the City's comprehensive upgrading of the Metro System. The location and design of the FIRP/NSPF at NAS Miramar efficiently and effectively serves the sludge management needs of both the Point Loma Wastewater Treatment Plant and the North City Water Reclamation Plant.
- Development of the FIRP/NSPF at the proposed project site supports and improves efficiencies in the City's overall waste management program by collocating FIRP/NSPF and other complementary waste management technologies.
- Development of the FIRP/NSPF at the proposed project site is considered to be environmentally sensitive and responsive to the conclusions and recommendations of the numerous environmental studies related to the siting of such a facility. The proposed project represents the culmination of over 6 years of siting studies, public and agency input, and environmental analyses which considered numerous alternative sites and configurations.

West Miramar Landfill Overburden Disposal (WMLOD) - Project Level

The following overriding consideration applies to the unmitigable air quality and visual impacts associated with WMLOD:

- The current project proposal which features onsite mounding and use of an electric conveyor system is considered to be the most environmentally sensitive option for the requisite disposal of overburden. The subject overburden would be from an existing approved project which is essential to meeting the City's waste management needs (e.g., excavation for the West Miramar Landfill), and must be disposed of in some manner. Other options for the overburden disposal which were evaluated within the PEIS/MEIR, such as offsite disposal or onsite mounding using scraper transport instead of a conveyor system, were found to have greater impacts than those of the current proposal. Implementation of these other options would also have unmitigable and likely greater significant impacts than those of the current proposal.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 39

ITEM: CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR
THE MESQUITE REGIONAL LANDFILL, IMPERIAL COUNTY

I. COMMITTEE ACTION

At the time this item was prepared, the Permitting and Enforcement Committee had not met to make a decision on this item. New information has been submitted to the project history and some minor changes are reflected in this item by underline for up-to-date information.

II. BACKGROUND

Facility Facts

Name: Mesquite Regional Landfill,
Facility No. 13-AA-0026

Facility type: Class III Landfill

Location: 6502 East Highway 78
Brawley, California

Area: 4,250 acres, of which 2,290 acres are to be
used for disposal.

Setting: The site is located in a sparsely populated
desert area in eastern Imperial County. The
Land Use Element of the Imperial County
General Plan has designated the proposed
landfill site and rail spur Right-of-Way as
"Recreational" and these areas are zoned "S-
Open Space." The active Mesquite Mine and
Ore Processing Facility is located adjacent
to and on a portion of the proposed landfill.
The closest population centers are Brawley
and Palo Verde, located about 35 miles to the
west and northeast, respectively. The
Chocolate Mountains Aerial Gunnery Range is
located approximately two miles to the north
of the landfill site and is used for military
aircraft testing and training.

Permitted
Daily Capacity: The estimated daily MSW volumes will be 4,000
tons per day for year one of operations,

increasing up to 20,000 tons per day after year seven.

Operational Status: Planned, proposed for a 100-year operational lifespan

Waste Type: Municipal Solid Waste

Volumetric Capacity: 970 million cubic yards (approximately 600 million tons)

Owner: Gold Fields Mining Corporation
Gold Fields Mining Company
Mr. Robert T. Filler, General Manager

Operator: Arid Operations Incorporated
Mr. Robert T. Filler, General Manager

LEA: Mr. Thomas L. Wolf, Director
County of Imperial, Department of
Health Services, Division of
Environmental Health

Proposed Project

The proposed Mesquite Regional Landfill would accept municipal solid waste (MSW) from counties in Southern California (Imperial, Los Angeles, Ventura, Orange, San Diego, San Bernardino and Riverside). The waste is to be transported to the landfill by rail and would initially come from the Los Angeles area. The estimated daily MSW tonnages will be 4,000 tons per day for year one, increasing up to 20,000 tons per day after year seven of operation. The proposed permit would allow the operator to accept up to 20,000 tons per day for approximately 100 years with a total capacity of approximately 600 million tons.

III. SUMMARY

Project History The proposed Mesquite Regional Landfill would provide an option for urban southern California communities to dispose of MSW in a regional landfill. The Mesquite Regional Landfill has been designed to provide environmentally safe landfill capacity for southern California communities and to reduce the need to site additional landfills in urban areas.

The Mesquite Regional Landfill project was first proposed in 1991. An Environmental Impact Statement (EIS) and an Environmental Impact Report (EIR) were prepared for the Mesquite Regional Landfill to satisfy the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The preparation of the EIS was necessary since portions of the land for the proposed project were owned by the United States Department of Interior, Bureau of Land Management (BLM). The Gold Fields Mining Corporation and the BLM entered into a land exchange which was necessary for the proponent to acquire BLM's land for additional property for the project.

A draft combined Report of Disposal Site Information (RDSI) and Report of Waste Discharge (ROWD) was submitted to the CIWMB, LEA and the Regional Water Quality Control Board (RWQCB) in November of 1993. Over the next two years, staff of the CIWMB, LEA and RWQCB attended joint technical meetings with the proponents of the project to discuss various aspects of the project's design and operation.

The following is a chronology and status of the CEQA, Waste Discharge Requirements, and land exchange that have occurred this far in the project:

Chronology and Status of CEQA Process

| | |
|--------------------|---|
| September 6, 1995 | Final Environmental Impact Report (FEIR) certified and project approved by an unanimous vote of the Imperial County Board of Supervisors. |
| October 6, 1995 | Petition and complaint filed by Sierra Club et. al. in California Superior Court to invalidate Board (Imperial County Supervisors) CEQA certification and permit approvals. |
| May 20, 21, 1996 | The Court hears oral arguments on merits of petition and issues minute orders for Imperial County to clarify FEIR in certain limited respects. |
| September 24, 1996 | The Imperial County Board of Supervisors holds hearing and approves an addendum to clarify the FEIR in accordance with Court's minute orders. |

December 31, 1996

The Court enters final judgement effective as of July 18, 1996 directing County to clarify FEIR in certain limited respects and issues preemptory writ of mandate (and thereby directing County to seek Court's approval of September Board action). The Court did not invalidate the CEQA certification or any permits (note: the final judgement only dealt with issues raised in the May and July hearings, and deferred review of subsequent September actions by the County until the County seeks confirmation of the September clarifications through a discharge of writ).

A Court hearing on the motion requesting discharge of writ is scheduled for April 14, 1997.

Current Status: At the April 14, 1997 hearing, the County will seek discharge of the writ (i.e. approval of the County's September actions). No injunction or similar relief was granted by the Court although it is understood by the parties and the Court that no physical disturbance will occur until the writ is discharged.

Chronology of Record of Decision Approval and Appeal

February 14, 1996

The Record of Decision approving land exchange and railroad spur right-of-way signed by the BLM.

April 15, 1996

The Sierra Club and other plaintiffs initiate an appeal and file notices of appeal and petitions to stay the right-of-way with the Interior Board of Land Appeals (IBLA).

May 1, 1996

Sierra Club and others initiate protests and file protests of the land exchange with the IBLA).

July 3, 1996

IBLA dismisses the petition to stay the right-of-way decision.

November 14, 1996 IBLA dismisses the petition to stay the land exchange decision and affirms the Record of Decision.

November 25, 1996 Plaintiffs file complaint for injunctive and declaratory relief in United States District Court.

January 30, 1997 Federal Court dismisses motion for preliminary injunction on plaintiffs' lack of standing and dismisses complaint "with prejudice" (which prohibits plaintiffs from refiling a complaint on the same issues).

January 31, 1997 Bureau of Land Management and Gold Fields Corporation exchange land.

Status: Appeal dismissed. Gold Fields Corporation is the owner of all lands required for the Mesquite Regional Landfill.

February 28, 1997 Sierra Club, and others filed notice (of appeal of final judgement refusing their request for injunction) to the United States Court of Appeals for the Ninth Circuit.

Chronology of Adoption of WDRs and Appeal

November 29, 1995 California Regional Water Quality Control Board (Colorado River Basin Region) approves Waste Discharge Requirements.

December 29, 1995 Desert Citizens Against Pollution and others appeal decision.

April 22, 1996 State Water Resources Control Board dismisses petition for lack of supporting documentation.

Status: Appeal dismissed.

Project Description The Mesquite Regional Landfill will be operated under permits issued to Arid Operations Inc., identified as the operator. Arid Operations Inc., is a wholly-owned subsidiary of Gold Fields Mining Co. (Gold Fields). The owner of

the land is the Gold Fields Mining Corporation. In addition, Western Waste (subsidiary of USA Waste) and SP Environmental Systems are partners in the proposed project.

The Mesquite Regional Landfill is located in an unpopulated desert area in eastern Imperial County. Climate of the region is arid, receiving an average annual precipitation of approximately four inches in the vicinity of the site.

The nearest permanent residences are at the Boardman and Glamis Beach Ranch Store areas, located 3 and 3.5 miles, respectively, southwest of the proposed landfill. These facilities serve visitors to the Imperial Sand Dunes Recreational Area located approximately five miles to the west of the site. Lands surrounding the site are occasionally used for rock hounding, camping, recreational vehicle use, target shooting, and hunting. The active and adjacent mine (Mesquite Mine and Ore Processing Facility) is expected to close within 10 to 15 years with actual mining of ore to be completed in approximately five years.

Access to the landfill will occur by road and by rail. The site is accessed via Highway 78 to the Mesquite Mine access road. The landfill and the mine will share the beginning portion of the road for employee access, deliveries of equipment and supplies, etc., for the first several years of landfill operations. To provide vehicular entry to the site during the life of the facility, the existing mine access road will be rerouted when site development reaches a point where it conflicts with the existing road alignment. Rail access to the site will be provided during initial site development and will occur via a rail spur that will be constructed between the site and the existing Southern Pacific Railway line located approximately four miles to the west of the site.

The landfill site encompasses 4,250 acres overall, with the proposed landfill footprint covering 2,290 acres. The site would receive an average of up to 20,000 tons of MSW per day (TPD) over an anticipated life of about 100 years. Total waste capacity of the landfill will be about 970 million cubic yards (approximately 600 million tons).

The site will not be open to the general public. Imperial County MSW may be delivered to the site by truck if the county decides in the future to include the regional landfill as part of its MSW disposal plans.

The railhaul concept is based on transporting MSW to the landfill by train. Each train will carry 160 containers. Each container

will be approximately 40 feet long and will have a capacity of approximately 25 tons of MSW. Loading and unloading of the containers from trains will occur at the intermodal facility on site. The following chart represents the traffic volume of trains and tonnage:

| <u>Years of Operation</u> | <u>Trains/Day</u> | <u>MSW (TPD)</u> |
|---------------------------|-------------------|------------------|
| 1 | 1 | 4,000 |
| 2 | 2 | 8,000 |
| 3-6 | 3 | 12,000 |
| 7 | 4 | 16,000 |
| Remaining Years | 5 | 20,000 |

These are daily rates based on a two-week average. Actual daily volumes may vary by up to one train per day depending on rail or other uncontrollable delays. Also, the rate of increase of daily MSW volumes may vary from the above chart based on landfill space and market conditions.

The Mesquite Regional Landfill disposal system design incorporates weighing of MSW at the transfer stations prior to transport to the landfill. A computerized information management system will be used to keep track of the MSW containers as they leave the transfer stations and travel to the landfill. The computerized system will provide quick access to transfer station weighing of net container weight (i.e. MSW weight), gross container weight, loading/unloading times, and location. Containers will be logged when they arrive on site using the computerized system to assure that only MSW residue containers which have been scheduled for delivery at the landfill are accepted.

Unloading of containers from trains will occur at the intermodal facility. There, containers will be lifted from the trains by forklift or crane and transferred onto tractor-trucks and bogies (empty trailer chassis) for transport to tipplers at the landfill working faces.

The intermodal facility will consist of a series of unloading, runaround and tail tracks for train traffic control; short segments of set-out track for temporary parking of train cars or engines; cranes for unloading MSW containers and loading empty containers; and required support facilities. Preliminary engineering for initial operations are based on having two unloading tracks, one runaround track and one tail track. For the maximum MSW disposal rate of 20,000 TPD, additional tracks

would be added. The actual arrangement of the intermodal may be varied to suit operational requirements as final design activities are completed. Except possibly for initial, low capacity operations, areas between unloading tracks and the adjacent shops and loading areas would be paved with asphalt or concrete paved to support cranes, trucks and other equipment. Construction of intermodal facilities will be phased to accommodate increasing needs as the rate of MSW disposal increases.

MSW containers will be washed every sixth trip (or at a frequency determined in consultation with the LEA) to the Mesquite Regional Landfill to prevent excessive soiling of the containers. Washing of containers will occur at the water reclamation facility, which is part of the project. Washing of containers will use hot pressurized water jets. Water will be pumped to the washing stations at about 150° F and 500 psi. The outside of the containers will be washed by multiple stationary sprays. For the inside of the containers, moving sprays will be automated, or set inside the container manually and then activated. A water reclamation facility will be provided to reduce water consumption. It is expected that the water reclamation facility will allow recycling of about 60 percent of the container wash water. The water reclamation facility will be utilized to recycle water, landfill gas (LFG) condensate, and leachate, if any were to occur.

The administration complex will include offices, meeting rooms, work areas, maintenance buildings, employee break areas and sanitary facilities to accommodate employee needs. The administration building will also include a viewing/presentation area that could be used for visits to the landfill by community groups and other scheduled visitors.

FACILITY DESIGN:

The proposed Mesquite Regional Landfill will be an area fill with a footprint of 2,290 acres. The landfill will be constructed in segments of approximately 50 acres each. At final build out, the proposed landfill will rise 375 to 475 feet above the surrounding terrain to a maximum elevation of 1140 feet above sea level. The facility is designed to meet or exceed existing State and Federal design requirements for Class III disposal facilities.

Many of the proposed environmental control systems, such as the liner, leachate collection and recovery system, and ground water and landfill gas monitoring systems, will be installed in phases as the landfill is constructed. The landfill gas collection

system will also be constructed as the landfill lifts are completed. In addition, the exterior slopes of the landfill are designed so that the final cover will be placed as the landfill is constructed, and closure of the top deck portions of the landfill will occur in a phased manner over the life of the landfill.

Some elements of the proposed design are unusual or unique to the Mesquite Regional Landfill including the incorporation of rinsed ore residues in the construction of the landfill, the engineered alternative cover proposed for the side slopes, the onsite water treatment facility, and the horizontal landfill gas collection system. These elements are necessary or practical because of the location and/or scale of the proposed facility and will be described below.

Material Sources: Much of the earthen material to be used in the landfill construction will come from overburden and rinsed ore residues from the adjacent gold mining operations. Overburden is barren (non-ore) rock and soil that is excavated during the mining operation. The Mesquite gold mine recovers gold by a cyanide heap leaching process. After recovery of the gold, the ore residues are detoxified and rinsed. Several of the heap leach pads are within the proposed landfill footprint and, as the heap leaching operation is phased out and the ore residues are detoxified, the ore residues will be incorporated into the landfill as daily, intermediate, or final cover as landfill construction advances. Coarse materials from the overburden piles will be used in the protective layer of the final cover. Clay for the construction of the landfill liner will be mined from sources at the adjacent gold mine. This material has been used in the past to line the heap leach extraction pads at the mine.

Liner Design: The site will have a three-component composite base liner consisting of a lower flexible membrane liner (FML), a 1-foot thick compacted clay layer with a permeability of 1×10^{-6} cm/sec or less, and an upper FML.

Leachate Collection and Recovery System: A leachate collection and recovery system (LCRS) consisting of a 1-foot layer of gravel and perforated leachate collection pipes will be placed above the liner. The LCRS for each segment of the landfill will drain to a collection sump at the outside toe of the landfill. Each segment will have its own piping system to allow for independent measurement and monitoring. The LCRS has been designed to accommodate twice the anticipated volume of leachate. A secondary LCRS will be constructed beneath the primary LCRS at

the low points of the first two cells. The inclusion of this element in future cells will be evaluated by the regulatory agencies at the five-year permit review. Any leachate collected will be treated at an onsite water treatment facility prior to reuse at the facility.

Final Cover Design: Two final cover designs are proposed for the Mesquite Regional Landfill. The proposed configuration of the final cover in the top deck areas consists of a two foot foundation layer of compacted overburden or ore residue, an FML, and a minimum of two feet of soil as a protective layer. The top 6 to 12 inches of this layer will be coarse rock to act as an erosion resistant layer. The proposed side slope final cover design represents an engineered alternative to the current State prescriptive standards. The proposed design incorporates compacted soil berms that will be constructed as the landfill expands laterally and vertically. These berms will be approximately 62 feet wide at the bottom of the berm and 12 feet wide at the top of the berm. The minimum thickness of soil over the side slope areas will be approximately seven feet. The construction of these berms under appropriate quality control measures would constitute final closure of the side slope areas of the landfill minimizing the area of the landfill to be closed when waste acceptance ceases at some future time. Board staff have reviewed the proposed alternative final cover design and have found it to be acceptable.

Final Grading/Slope Stability: The overall slopes of the proposed landfill will vary from 3.5:1 (horizontal to vertical) to 5.5:1. Benches will be constructed at 50 foot vertical intervals for access to the LFG collection system and as part of the drainage controls. The top deck area of the landfill will be constructed at 3% to 20% grades and will be contoured in a rolling configuration to improve the site aesthetics at closure.

The static and dynamic stability of the proposed design were analyzed by the proponent. The stability analyses were reviewed by Board staff and, at the request of Board staff, were reviewed by Department of Water Resources (DWR) staff through the Board's interagency agreement with DWR. The reviews indicated that stability of the proposed design is adequate. Results of this review were also supplied to the RWQCB for use in their review of the ROWD.

Drainage Design: Drainage for the proposed landfill will be integrated with the existing drainage for the adjacent mine. The facility drainage has been designed to accommodate the flows generated by the 100-year, 24-hour storm event (3.0 inches). The

mean annual precipitation at the site is approximately four inches. Run-on will be routed around the facility through the perimeter drainage channels and discharged to the desert washes. Run-off from the landfill (water which has not come in contact with waste) will be conveyed by a series of V-ditches and downdrains to the perimeter drainage channels and discharged to the existing natural drainage courses. Run-off from the paved portions of the intermodal area will be routed through an oil/water separator designed to collect the first 0.10 inch of the run-off.

Landfill Gas Collection and Monitoring Systems: The landfill gas collection system will be installed with each segment of the landfill. Horizontal LFG collectors will be installed in gravel filled trenches in the waste as the landfill is constructed. The LFG collectors will be placed at 50-foot vertical (approximately every five lifts) and 250-foot horizontal spacings. Each layer of collectors will be offset with respect to the rows above and below so that the maximum horizontal spacing is approximately 125 feet. The bottom row of collectors will be more closely spaced (20 feet above the liner and 125-foot horizontal spacing) to increase the gas extraction ability at the base of each segment. The horizontal LFG collectors will be connected to a series of collection headers at the surface of the landfill to convey the gas to the destruction facility. Destruction of the collected LFG in a flare is proposed for the first several years of landfill operations. The flare station will initially be constructed with two large capacity flares (one as a backup) and additional flare capacity will be added as LFG generation rates increase. As the landfill operations proceed, and LFG generation rates increase to a level that could adequately support an energy recovery facility, such a facility will be considered. Approvals and permits for such a facility will be obtained prior to construction. After an energy recovery facility is constructed, the flare station will be maintained as a backup to be used during maintenance of the energy recovery facility. Perimeter LFG monitoring probes will be installed as the landfill segments are constructed.

Onsite Water Reclamation and Treatment Facility: Due to the large scale and remote location of the proposed landfill operation, an onsite water reclamation and treatment facility is proposed. During the early years of the proposed operation, a smaller prefabricated "package" plant is expected to be satisfactory. For operation at the maximum disposal rate, a larger facility designed specifically for this project will be constructed. The water treatment and reclamation facility will be used to treat or reclaim water from container washing,

leachate (if any), and LFG condensate. The proponent anticipates that this facility will allow approximately 60% of the water used in container washing activities to be reclaimed for reuse. Approximately 40 percent will be lost to evaporation, either directly or as bleed from the reclamation system to avoid a buildup of dissolved solids.

Ground Water Monitoring System: The ground water monitoring network will be installed as landfill segments are constructed. The proposed ground water monitoring network and monitoring plan are incorporated in the Waste Discharge Requirements (Order No. 95-100) which were adopted by the Colorado River Basin Regional Water Quality Control Board on November 29, 1995.

FACILITY OPERATIONS

Municipal solid waste will be emptied from the transfer containers at the landfill working face, spread on the working face by dozers into layers approximately two feet thick, and then compacted. The advancing working face will be covered by six inches of compacted cover at least once daily to keep the exposed open face as small as practical. Working faces (up to five working faces could be in operation when the landfill is operating at full capacity) will be kept to the minimum size practical for safe operation, normally less than about one-third acre each. It is anticipated that at least two working faces will be in operation during initial and regular landfill operations. Each tipper will be located at a separate working face far enough apart to avoid congestion due to heavy equipment traffic. The tipper pad will be sized to accommodate the trucks and trailers maintained in the onsite equipment fleet, and trucks that may deliver MSW from the Imperial County area if local municipalities utilize the landfill in their waste management plans. Any MSW containers transported to the site by truck would report directly to a working face. Municipal solid waste will be unloaded adjacent to the working face, and then pushed up the working face and compacted. The working face will be maintained with a low slope angle to facilitate compaction and safe operation.

The MSW will be compacted at the working face by multiple passes of a landfill compactor. The face will normally be maintained at an angle of about 6H:1V. The maximum working slope will be 3H:1V. The target compaction for the MSW residue is 1,200 pounds/cubic yard. The landfill will be developed in approximately 10-foot thick "lifts" of compacted MSW residue. At the end of each day, the compacted portion of the lift that has been filled and covered with soil over the past 24 hours

constitutes a "cell."

Daily cover will consist of at least 6 inches of overburden or ore residue from the Mesquite Mine. The overburden and ore residue is well graded and has a relatively low permeability when compacted. The material will be hauled from the mine, dumped into windrows, moisture-conditioned as necessary, and spread in a layer about 9-inches thick (uncompacted). It will be compacted by two or three equipment passes.

For initial operations at an MSW disposal rate of 4,000 TPD, the hours of operations will consist of a six-day work week (Monday through Saturday) with a single 8-hour shift, beginning in the early morning (e.g. 6:00 a.m.). As the rate of MSW disposal increases, additional shifts will be added until 24-hour operations are reached.

Approximately 86 people could be employed for routine operations during the initial activities and 268 people could be employed when the landfill is operating at its full capacity.

Resource Recovery Under usual circumstances, recyclable materials that are removed from the waste stream at transfer stations/MRFs are stored at these locations, while the transfer station/MRFs operator finds buyers for the various recycled commodities. It is anticipated that from time to time the market for certain recyclable commodities will experience a slowdown, making immediate sale difficult. As a service to the transfer station/MRFs operators the Mesquite Regional Landfill will provide short-term storage space for recycled materials.

The recycled materials will be transported from the transfer stations/MRFs to the landfill in containers that are similar to those that would be used for MSW residue, except that they would be specially tagged to identify the contents as recyclable materials to be stored, not landfilled. Up to 600,000 tons of recyclable materials will be stored at the landfill at any time.

Environmental Controls The operator intends to utilize strict operating practices to avoid creating any nuisance. The open space setting of the facility will facilitate this objective. Environmental controls associated with fire, dust, vectors, birds, litter, noise, and odors have been addressed in the RDSI. The RDSI also describes the site's hazardous waste screening program, which, if applied as described, will meet State Minimum Standards. Environmental control measures for impacts from potential problems are addressed in the RDSI and described below:

Fire Control Site facilities will be designed and operated in accordance with standard safe practices, National Fire Protection Association standards, and local fire codes to minimize the potential for fires to occur. Water-supplied fire hydrants will be provided in the intermodal and operations facilities area. The hydrants will be supplied by an on-site 600,000-gallon water tank, and a series of pumps and sensors to maintain pressure throughout the system. Portable fire extinguishers will be included in every enclosed structure, site vehicles and heavy equipment. Additional fire protection for areas away from the intermodal and operations facilities will be provided by water trucks and available earth-moving equipment.

Dust Control The operator anticipates problems with dust to be minimal since all of the auxiliary areas of the landfill will be asphalt or concrete (i.e. roads, intermodal facility, administration building, etc.). Parking and laydown areas adjacent to the intermodal facility that are not paved will be treated with a surfactant to control dust generation. Fugitive dust emissions from paved roads will be controlled by constructing two lane roads with wide paved shoulders, constructing an apron at the transition between the paved and unpaved roads, and preventing traffic on unpaved areas next to the roads. In addition to these design features, a street cleaning program will be implemented consisting of flushing the paved roads with water once or twice weekly. Fugitive dust emissions from the operations areas of the working face and the cover borrow areas would be controlled using a combined strategy of limiting the area of operations and by using traditional dust-suppression techniques such as area watering.

Vector and Bird Control The potential for vectors (insects and rodents) and birds is expected to be minimal because of the naturally arid conditions in the site area. The lack of water and sparseness of vegetation limits the numbers of animals or insects that occur in the vicinity of the site. The prompt compaction of MSW residue emptied from closed containers and the placement of daily cover are the primary methods of minimizing the attractiveness of the landfill to vectors and birds. The aeration evaporation and settling ponds at the onsite water reclamation facility are not expected to provide an environment that could facilitate propagation of vectors. If found to be necessary, biodegradable larvae control compounds could be periodically added to the ponds. If attraction of birds becomes a problem at the ponds, netting will be provided over the pond surfaces. In addition to these measures, perimeter fencing is designed tight to the ground to inhibit wildlife access from the surrounding desert.

Litter Control The operator does not anticipate litter to be a problem since salvaging of paper or other MSW residue will not take place at the landfill. All MSW residue will arrive at the site in closed containers, and containers will remain closed until transported to the working face. The primary source of potential litter will be the working face area. The potential for wind to blow materials will be reduced by:

- Compacting MSW at the working face promptly after it is emptied from containers;
- Developing the landfill operating surface at several levels so that operations can be conducted at lower, more sheltered levels on windy days;
- Providing portable litter fences adjacent to the face if shelter from the landfill configuration cannot be achieved;
- Minimizing the time between MSW placement and daily cover placement so that MSW would be exposed to wind for shorter periods of time (i.e. during periods of high wind, soil cover could be applied more often than once per day to control litter); and
- Daily litter cleanup patrols by landfill personnel.

Noise Control Noise levels at the landfill would be similar to those occurring at the adjacent Mesquite Mine. Due to the remote location and the site being closed to the public, the primary potential health concern related to noise would be exposure of employees, visitors, and commercial haulers (if any) transporting waste to the site. Noise from trains at the intermodal area will be within levels allowable by federal regulations. Onsite vehicles and equipment will utilize appropriate noise suppression equipment such as mufflers. Maintenance to vehicles and equipment will occur regularly to prevent mechanical malfunctions that could result in excessive noise. Hearing protection equipment in accordance with OSHA regulations will be provided to employees and visitors.

Odor Control The operator will control odors by conducting the following:

- MSW residue will be compacted at the working face promptly following unloading from the enclosed MSW containers;
- A minimum of six inches of cover material will be placed

over the compacted MSW residue daily, or more frequently if needed to control odor, blowing trash, or other potential nuisances;

- Leachate, if any, will be collected by the LCRS and maintained in closed piping, containers or tanks until treated at the onsite water treatment plant;
- Empty MSW containers will be washed at the container wash facility every sixth trip to the landfill. Containers would also be washed prior to maintenance or onsite storage;
- Carbon filters will be stored in the operations area which will be placed over vents on the MSW residue containers to control odors in the event that the containers are required to be delayed in the intermodal area (prior to transport for disposal at the active working face) for more than 24 hours;
- Effluent from container washing will be piped to the water treatment plant and maintained in an enclosed tank until treated;
- LFG emissions from the landfill will be controlled by the LFG extraction system; and
- LFG condensate will be maintained within an enclosed system until treated at the onsite water reclamation facility.

Hazardous Waste Screening Program

Removal of hazardous materials from the Mesquite Regional Landfill waste stream will occur during:

- Waste screening at the transfer stations and at the landfill when waste is unloaded at the working faces.

The Mesquite Regional Landfill design provides that MSW containers would be unloaded at the landfill working face using a tipper. Normally, the tipper is operated by the tractor driver, however, for the Mesquite Regional Landfill, a special tipper would be used. This tipper would have a full-time operator in a cab situated so the operator would observe the waste as the MSW container is emptied and as the landfill equipment places the waste (during the time that another container is being positioned on the tipper). The tipper operator would observe the MSW for suspicious material. All other working face equipment operators will also receive training in the identification of hazardous materials. In the event the tipper operator or other personnel

spot suspect material, operations would cease to allow for the safe on-the-ground inspection, and if necessary, removal of the suspect material.

IV. ANALYSIS

Requirements for Concurrence with the Solid Waste Facility Permit
Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on February 6, 1997, the last day the Board may act is April 4, 1997.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation. The following chart summarizes Board's staff analysis:

| 13-AA-0026 | Accept- able | Unaccept- able | To Be Deter- mined | Not Appli- cable | See Details in Agenda Item |
|--|-----------------|-------------------|--------------------------|------------------------|----------------------------------|
| CIVMP Conformance (PRC 50001) | | | | X | |
| CoSWMP Conformance (PRC 50000) | X | | | | |
| General Plan Conformance (PRC 50000.5) | X | | | | |
| Consistency With State Minimum Standards | X | | | | |
| California Environmental Quality Act | X | | | | X |
| Closure/Post-Closure Maintenance Plan | X | | | | X |
| Funding for Closure/Post-Closure Maintenance | X | | | | X |
| Operating Liability | X | | | | X |

In addition, Board staff offer the following detailed analysis:

1. National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA)

Federal and state laws require the preparation and certification of an environmental document. The United States Department of Interior, Bureau of Land Management and the County of Imperial acting as Lead Agencies, prepared an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for construction and operation of the proposed Mesquite Regional Landfill Project.

**Federal actions in accordance with NEPA
Federal Land Policy and Management Act (FLPMA)**

1. Federal land exchange of 1,750 acres; and

2. Right-of-way approval to allow construction of a 4 to 5 mile rail spur between the proposed site and the existing Southern Pacific Railroad tracks.

Local actions in accordance with CEQA

1. Conditional Use Permit
2. General Plan Amendment
3. Zoning Change

On September 6, 1995, the Final EIS/EIR was certified and the project approved by the County Board of Supervisors. The County Board of Supervisors approved the General Plan Amendment, Change of Zone, Conditional Use Permit and Development Agreement, and adopted a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations in accordance with Public Resources Code Section 21081. The EIS/EIR identified impacts that cannot be mitigated, which include significant visual impacts, cumulatively significant air quality impacts, cumulatively significant traffic impacts, and a localized cumulative increase in risk train/vehicle-related mortality to state or federally protected species. Staff have determined that the areas impacted are not within the authority or responsibility of the Board. A Statement of Overriding Considerations, adopted in accordance with Public Resources Code section 21081 subdivision (b), identifies these impacts, and is included as Attachment 5. Staff have determined that the Statement of Overriding Considerations meets the requirements of PRC 21081.

On October 6, 1995, a petition and complaint was filed by project opponents in California Superior Court to invalidate the Board of Supervisor's CEQA certification and permit approvals. The Court found that several areas of the EIS/EIR required clarification. An Addendum was prepared which clarified the Project Description, the No Action Alternative and the discussion of the Environmental Setting with respect to critical habitat for the desert tortoise. The Court did not invalidate the CEQA certification or any permits.

A Record of Decision approving the land exchange and railroad spur right-of-way was signed off by Bureau of Land Management on February 14, 1996. An appeal and protest was filed by project opponents in March 1996, and was dismissed by Federal Court on January 30, 1997. On January 31, 1997, BLM and Gold Fields Mining Corporation exchanged the land.

After reviewing the environmental documentation, staff finds that the EIS/EIR and its Addendum is appropriate for the Board's consideration.

2. Closure/Postclosure Maintenance Plans and Financial Mechanism Requirements

Title 14, California Code of Regulations (CCR), Section 18268 requires Closure and Postclosure Maintenance Plans for landfills. The required preliminary plans for the Mesquite Regional Landfill were deemed complete by the Board's Closure and Remediation Branch on March 7, 1996.

Staff of the Board's Financial Assurances Section have reviewed the financial assurance demonstration for this facility and found it to be adequate. Based on this documentation, Board staff have determined that the Trust Agreement established by Arid Operations Inc., meets the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.5, Section 18285.

3. Operating Liability

Arid Operations Inc., has demonstrated operating liability coverage for the Mesquite Regional Landfill as part of the Operating Liability Insurance Requirement. The submitted documentation meets the requirements of Title 14, CCR, Division 7, Chapter 5, Article 3.3, Section 18236 and has been deemed acceptable by staff of the Board's Financial Assurances Section.

V. **STAFF RECOMMENDATION**

Because a new Solid Waste Facility Permit has been proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 97-89 concurring in the issuance of new Solid Waste Facility Permit No. 13-AA-0026.

VI. ATTACHMENTS

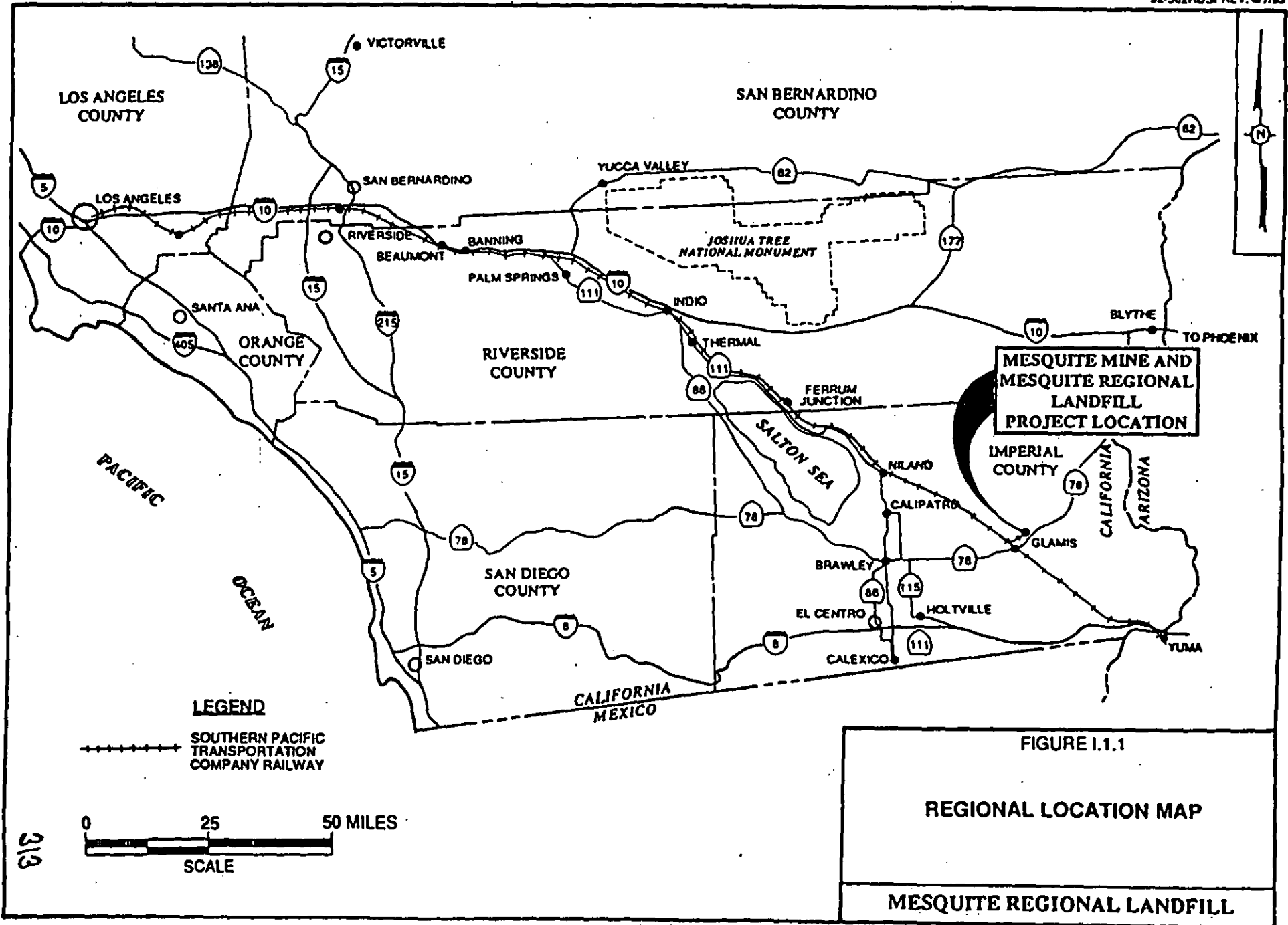
1. Location Map
2. Site Map
3. Intermodal Facilities Layout
4. Proposed Permit
5. Statement of Overriding Considerations
6. Permit Decision No. 97-89

Prepared by: Amalia Fernandez *AF* Phone: 255-3301

Reviewed by: Suzanne Hambleton / Don Dier *SD 3/6/97 DH 3/7/97* Phone: 255-2453

Approved by: Dorothy Rice *D. Rice* Phone: 255-2431

Legal Review: Patricia J. Jochim Date/Time: 3/13/97



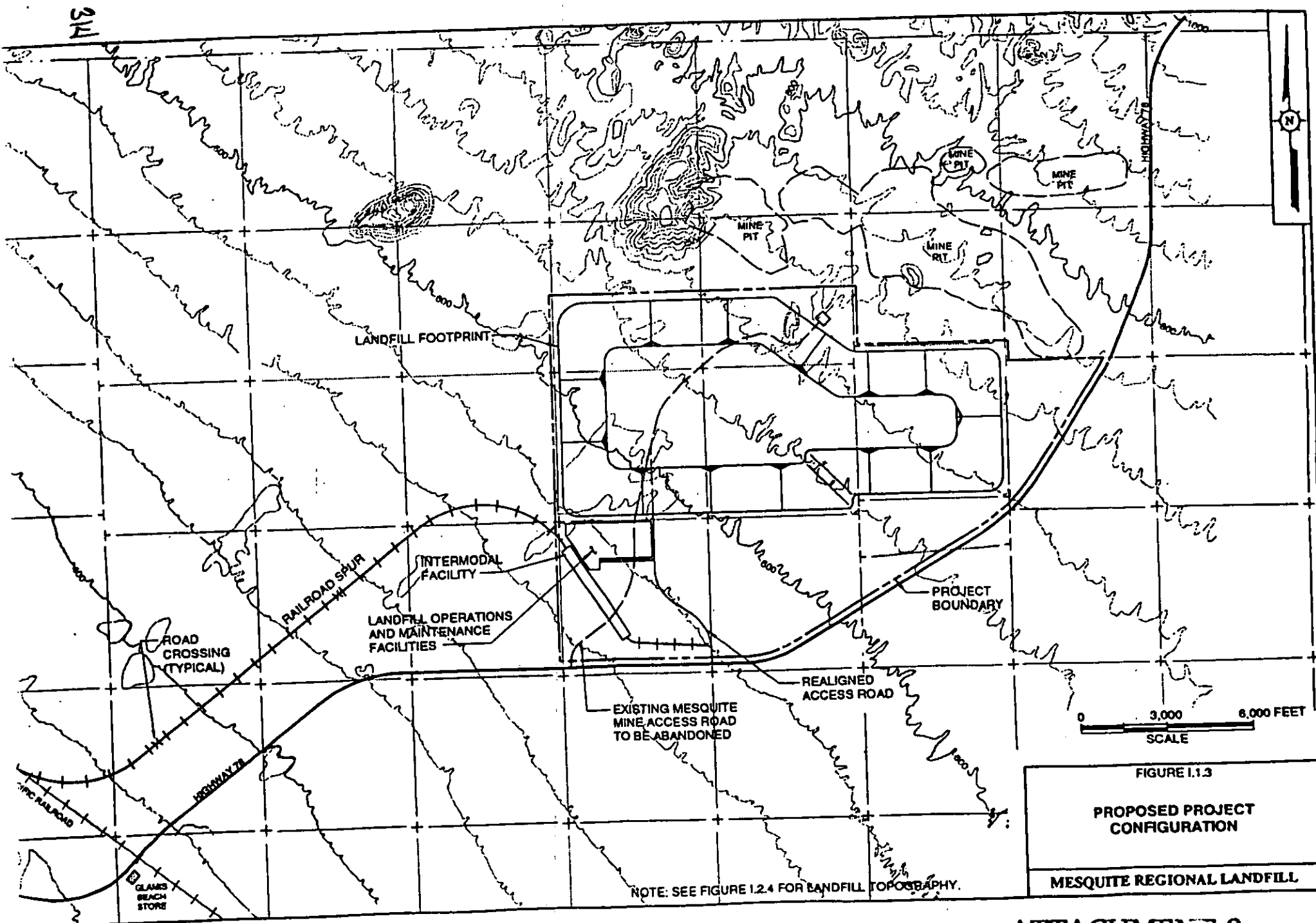
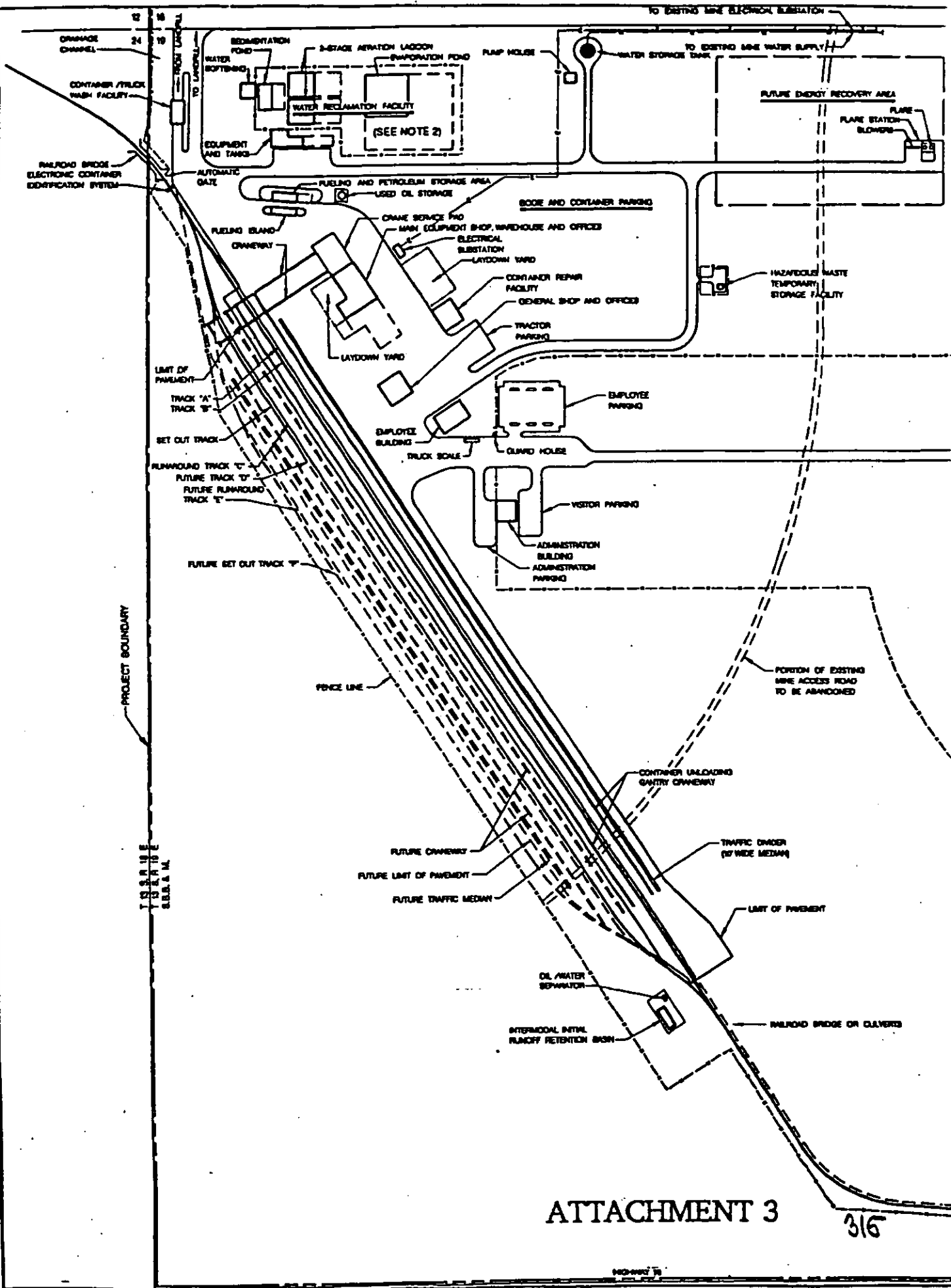


FIGURE 1.1.3

**PROPOSED PROJECT
CONFIGURATION**

MESQUITE REGIONAL LANDFILL



ATTACHMENT 3

| SOLID WASTE FACILITY PERMIT | | 1. Facility/Permit Number: 13-AA-0028 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|--|------------------------------------|------------|----------------|----------|------------|----------------|---------|----------|-----|-----|-----|-----|--|------------|-----|-----|-----|-----|--|----------------|--|--|--|--|--|-------------|--|-------|--|--|--|--|
| 2. Name and Street Address of Facility: Mesquite Regional Landfill 6502 East Highway 78 Brawley, California 92227 | 3. Name and Mailing Address of Operator: Arid Operations, Inc. 444 South 8th Street, Suite B-1 El Centro, California 92243 Telephone: (619)337-5552 General Manager: Robert Filler | 4. Name and Mailing Address of Landowner: Gold Fields Mining Corporation & Gold Fields Mining Company 14062 Denver West Parkway Golden, Colorado 80401-3122 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. Specifications: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| a. Permitted Operations <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Composting Facility (mixed wastes) <input type="checkbox"/> Composting Facility (yard Waste) <input checked="" type="checkbox"/> Landfill Disposal Site <input type="checkbox"/> Material Recovery Facility </div> <div style="width: 45%;"> <input type="checkbox"/> Processing Facility <input type="checkbox"/> Transfer Station <input type="checkbox"/> Transformation Facility <input type="checkbox"/> Other: _____ </div> </div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| b. Permitted hours of operation Up to 24 hours a day, 7 days a week. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| c. Permitted Tons per Operating Day: Peak & Average Total: (Refer to Condition 17(q)) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <div style="display: flex;"> <div style="width: 50%;"> Non-Hazardous - General Non-Hazardous - Sludge (see Section 14 of Permit) Non-Hazardous - Separated or Commingled Recyclables Non-Hazardous - Other (See Section 14 of Permit) Designated (See Section 14 of Permit) Hazardous (See Section 14 of Permit) </div> <div style="width: 50%; text-align: right;"> <table style="margin-left: auto;"> <tr> <td>Temporary storage of up to 600,000</td> <td>Tons</td> </tr> <tr> <td>N/A</td> <td>Tons/Day</td> </tr> <tr> <td>N/A</td> <td>Tons/Day</td> </tr> <tr> <td>N/A</td> <td>Tons/Day</td> </tr> </table> </div> </div> | | | Temporary storage of up to 600,000 | Tons | N/A | Tons/Day | N/A | Tons/Day | N/A | Tons/Day | | | | | | | | | | | | | | | | | | | | | | | | |
| Temporary storage of up to 600,000 | Tons | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| N/A | Tons/Day | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| N/A | Tons/Day | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| N/A | Tons/Day | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| d. Permitted Traffic Volume: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> Truck Traffic/Day* Peak: 50** 50** N/A N/A </div> <div style="text-align: center;"> Train Traffic/Day Peak: & (Refer to Condition 17(q)) Average Total: N/A N/A N/A </div> </div> <div style="margin-top: 5px;"> Incoming waste materials Outgoing waste materials (for disposal) Outgoing materials from material recovery operations </div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <small>*These totals do not include up to 800 trucks/day of MSW deliveries which could occur for a temporary period in the event of interruption of rail service. **From Imperial County Transfer/Processing Stations or Material Recovery Facilities (MFR's)</small> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| e. Key Design Parameters <table border="1" style="margin-left: auto; margin-top: 10px; border-collapse: collapse; width: 100%;"> <thead> <tr> <th>Total</th> <th>Disposal</th> <th>Transfer</th> <th>MFR</th> <th>Composting</th> <th>Transformation</th> </tr> </thead> <tbody> <tr> <td>4,250ac</td> <td>2,290ac</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td></td> <td>970 mil cy</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td></td> <td>up to 1,300 ft</td> <td colspan="4" rowspan="2"></td> </tr> <tr> <td></td> <td>up to 50 ft</td> </tr> <tr> <td></td> <td>2,097</td> <td colspan="4"></td> </tr> </tbody> </table> | | | Total | Disposal | Transfer | MFR | Composting | Transformation | 4,250ac | 2,290ac | N/A | N/A | N/A | N/A | | 970 mil cy | N/A | N/A | N/A | N/A | | up to 1,300 ft | | | | | | up to 50 ft | | 2,097 | | | | |
| Total | Disposal | Transfer | MFR | Composting | Transformation | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4,250ac | 2,290ac | N/A | N/A | N/A | N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 970 mil cy | N/A | N/A | N/A | N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | up to 1,300 ft | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | up to 50 ft | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2,097 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. Approval: _____ Approving Officer Signature Thomas L. Wolf, Manager, Division Environmental Health Services Name/Title | | 7. Local Enforcement Agency Name and Address: Department of Health Services, Division of Environmental Health Services Court House 939 West Main Street El Centro, California 92243 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. Received by California Integrated Waste Management Board (CIWMB): FEB 06 1997 | | 9. CIWMB Concurrence Date: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10. Permit Review Due Date: | | 11. Permit Issued Date: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

316

SOLID WASTE FACILITY PERMITFacility/Permit Number
13-AA-0026**12. Legal Description of Facility (Site Map Attached):**

T13S., R19E., S.B.B.M., Imperial County, California

Section 7: Lot 7, Lot 8, SE 1/4, E 1/2 SW 1/4

Section 8: S 1/2

Section 15: Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 10, Lot 11, Lot 12

Section 16: All

Section 17: All

Section 18: All

Section 19: NE 1/4, E 1/2 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4, Lot 1, Lot 2, Lot 3, Lot 5, Lot 6, Lot 7, Lot 8

Section 20: N 1/2, N 1/2 SW 1/4, Lot 1, Lot 2, Lot 3, Lot 4, Lot 5

Section 21: Lot 3, Lot 5, Lot 6

Tract 38: Entire portion north of the State Highway 78 right-of-way

According to the United States Department of the Interior Bureau of Land Management Re-surveying Plats dated May 15, 1986 and August 18, 1993.

13. Findings:

- a. This permit has been approved by all of the cities in Imperial County which contain a majority of the population and the County of Imperial, in lieu of a County-wide Integrated Waste Management Plan (CIWMP). Public Resources Code, Section 50000(a)(3).
- b. This permit is consistent with standards adopted by the CIWMB. Public Resources Code, Section 44010.
- c. The LEA has determined that the proposed design of the facility would allow for facility operations in compliance with the State Minimum Standards, based upon review of the Report of Disposal Site Information.
- d. The Imperial County fire protection authorities have determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151.
- e. A Notice of Determination for the Mesquite Regional Landfill Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) dated June 1995 was filed with the State Clearinghouse (Sch No. 92051024) as of September 7, 1995, pursuant to Public Resources Code, Section 21081.6.
- f. A CIWMP for the County of Imperial has not been approved by the CIWMB.
- g. The Imperial County Board of Supervisors has made a determination that the Mesquite Regional Landfill is consistent with, and designated in, the Imperial County General Plan. Public Resources Code, Section 50000.5(a).
- h. The Imperial County Board of Supervisors made a written finding on September 6, 1995, that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b).

14. Prohibitions:

The following shall not be disposed at the Mesquite Regional Landfill:

- a. Hazardous waste, as defined by CCR Title 22.
- b. Liquid waste (moisture content more than 40 percent).
- c. White goods (i.e., large intact household appliances).
- d. Biohazardous/Medical Waste.
- e. Designated wastes.
- f. Incinerator ash.
- g. Radioactive waste.
- h. Sewage Sludge.
- i. Waste which can cause corrosion/erosion or decay, or otherwise reduce or impair the integrity of containment structures.
- j. Waste which, when mixed or commingled with other wastes in the landfill, could produce chemical reactions that create heat or pressure, fire or explosion, toxic byproducts, or reactions which in turn: (1) Require a higher level of containment than provided by this landfill; or (2) impair the integrity of the containment structure.

317

SOLID WASTE FACILITY PERMITFacility/Permit Number
13-AA-0028

15. The following documents also describe and/or restrict the operation of this facility (Insert document date in spaces):

| | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> Report of Disposal Site Facility Information | Date: <u>10/95</u> | <input type="checkbox"/> Contract Agreements - operator and contract | Date: <u>(None)</u> |
| <input checked="" type="checkbox"/> Land Use Permits and Conditional Use Permits (CUP No. 10387-91) | <u>9/6/95</u> | <input checked="" type="checkbox"/> Waste Discharge Requirements (WDR) | WDR No. 95-100 Issued <u>11/29/95</u> |
| <input checked="" type="checkbox"/> Air Pollution Permits and Variances | Application Submitted <u>10/85</u> | <input checked="" type="checkbox"/> Local & County Ordinances | <u>Various</u> |
| <input checked="" type="checkbox"/> EIR/EIS SCH No. 92051024, BLM No. CA-060-02-5440-10-B026 | Certified <u>9/5/95</u> | <input checked="" type="checkbox"/> Partial Final Closure/Postclosure Maintenance Plan | Deemed Complete <u>3-7-96</u> |
| <input type="checkbox"/> Lease Agreement - owner and operator | <u>N/A</u> | <input checked="" type="checkbox"/> Amendments to RDSI | <u>2/5/96,</u> <u>2/14/96</u> <u>3/26/96</u> <u>3/28/96</u> |
| <input checked="" type="checkbox"/> Preliminary Closure/Post Closure Plan | Deemed Complete <u>3/7/96</u> | <input checked="" type="checkbox"/> Other (list): <u>Certificate of Liability Insurance</u> <u>Effective March 1, 1996</u> | |
| <input checked="" type="checkbox"/> Closure Financial Assurance Section | Trust Agreement <u>02/26/96</u> - <u>Amended 1/18/96</u> | | |

16. Self-Monitoring:

A variety of monitoring activities shall be performed for the Mesquite Regional Landfill. The various monitoring activities are included as requirements in permits and the environmental review documents for the landfill. In order to avoid being duplicative, the requirements from other permits are not repeated in their entirety here. Instead, the permits themselves are referenced. Additional operational monitoring requirements are also listed here in order to provide a complete summary of monitoring requirements.

- Monitoring to Mitigate Environmental Impacts: The operator shall comply with the Mitigation, Monitoring, Enforcement and Reporting Program for the Mesquite Regional Landfill developed pursuant to California Public Resources Code Section 21086.1, Subdivision (a)(1) based on the Mesquite Regional Landfill EIR/EIS and adopted by the Imperial County Board of Supervisors on September 6, 1995.
- Operations Monitoring: Routine operational self-monitoring activities shall be performed at the Mesquite Regional Landfill using checklists developed for that purpose. Copies of these checklists shall be submitted to the LEA, CIWMB, RWQCB, APCD and Imperial County Planning Department prior to commencement of landfill operations. The following routine operational monitoring shall be performed.

| ITEM INSPECTED | APPROXIMATE FREQUENCY | INSPECTION METHOD | EXAMPLE OBSERVATIONS | AGENCY REPORTED TO |
|--------------------|---------------------------------------|---------------------------|--|--------------------|
| Working Face Areas | Daily | Routine observation | <ul style="list-style-type: none"> Random load checks and observations at the working face for Hazardous Waste and PCBs Litter Control Vector Control Fire Control Dust Control Odor Control | LEA |
| Mobile Equipment | Daily | Routine Observation | <ul style="list-style-type: none"> Equipment Performance Signs of Deterioration or Wear | LEA/APCD |
| | Concurrent with Scheduled Maintenance | Observation and Checklist | <ul style="list-style-type: none"> Brake Wear Hydraulic Line Integrity Fluid Levels/Leaks Equipment Performance Signs of Deterioration or Wear | LEA |

318

SOLID WASTE FACILITY PERMITFacility/Permit Number
13-AA-0026**16. Self-Monitoring (Continued):**

| ITEM INSPECTED | APPROXIMATE FREQUENCY | INSPECTION METHOD | EXAMPLE OBSERVATIONS | AGENCY REPORTED TO |
|-----------------------------------|--|---------------------|--|--------------------|
| Site Roads | Daily | Routine Observation | <ul style="list-style-type: none"> Dust Control Tract-Out at Aprons Settlement Surface Integrity Litter Control | LEA/APCD |
| Hazardous Waste Storage Area | Weekly | Checklist | <ul style="list-style-type: none"> Container and Secondary Containment Integrity Container Labeling Inventory Control | LEA/RWQCB |
| Water Recycling Facility | Weekly | Checklist | <ul style="list-style-type: none"> Freeboard at Ponds/Tanks Pond Pumpback Systems Sedimentation Pond Accumulation Containment Integrity (e.g., presence of drips, seeps or corroded hardware) Vector Control Sump Drainage | LEA/RWQCB |
| Gas Control System | Monthly | Checklist | <ul style="list-style-type: none"> Extraction and Flare System Performance Integrity of Headers and Valve Assemblies Integrity of Exposed Piping Performance of condensate Collection Systems Flare Station Integrity and Performance | LEA/APCD |
| | Concurrent with Scheduled Flare Station Maintenance | Checklist | <ul style="list-style-type: none"> Flare Station Integrity and Performance | LEA/APCD |
| | Quarterly | Checklist | <ul style="list-style-type: none"> Landfill Perimeter and Structures | LEA |
| Emergency Response Equipment | Monthly | Checklist | <ul style="list-style-type: none"> Presence and Integrity of Emergency Response Equipment (see Appendix P of the October 1995 RDSI/ROWD for additional details) | LEA |
| Leachate Control System | Quarterly | Checklist | <ul style="list-style-type: none"> Integrity of Exposed Portions of Leachate Collection System Performance of Flow Documenting Mechanisms (e.g., totalizers) | LEA/RWQCB |
| Recyclable Material Storage Area | Quarterly | Checklist | <ul style="list-style-type: none"> Labeling/Dating Integrity Inventory Control Vector Control Litter Control | LEA/RWQCB |
| Warning/Safety signs | Quarterly | Checklist | <ul style="list-style-type: none"> Sign Presence and Integrity | LEA |
| Fire Protection System | Monthly | Checklist | <ul style="list-style-type: none"> Access to and Availability of Equipment Extinguisher Charges Water Pump/Reservoir Integrity Available Water Pressure Labeling | LEA |
| Fences, Gates and Perimeter Areas | Following Precipitation Events that Result in Surface Runoff, or More Frequently as Needed | Checklist | <ul style="list-style-type: none"> Integrity of Perimeter Fencing and Gates Integrity of Gate Locks Presence and Integrity of Perimeter Fence Signage Litter Control | LEA |

319

SOLID WASTE FACILITY PERMIT1. Facility/Permit Number:
13-AA-0026**16. Self-Monitoring (Continued):**

| ITEM INSPECTED | APPROXIMATE FREQUENCY | INSPECTION METHOD | EXAMPLE OBSERVATIONS | AGENCY REPORTED TO |
|------------------------------------|--|-------------------|--|--------------------|
| Landfill Cover | Following Precipitation Events that Result in Surface Runoff, or More Frequently as Needed | Checklist | <ul style="list-style-type: none"> • General Cover Integrity (e.g., no slides or erosion) • Integrity of Erosion Protection • Settlement • Ponding • Vector Control • Vegetation Control | LEA/ RWQCB |
| Landfill Drainage Systems | Following Precipitation Events that Result in Surface Runoff, or More Frequently as Needed | Checklist | <ul style="list-style-type: none"> • Integrity of Erosion Protection • Excessive Erosion/Siltation • Uneven Settlement • Ponding • Drop Inlet and Culvert Performance/Integrity • Vegetation Control | LEA/ RWQCB |
| Site Drainage/ Diversion Channels | Following Precipitation Events that Result in Surface Runoff, or More Frequently as Needed | Checklist | <ul style="list-style-type: none"> • Excessive Erosion/Siltation • Integrity of Erosion Protection • Performance/Integrity of Energy Dissipation Systems • Vegetation Control • Downstream Drainage Condition • Litter Control | LEA/ RWQCB |
| Administration and Intermodal Area | Daily | Routine | <ul style="list-style-type: none"> • Litter Control | LEA |

17. LEA Conditions:

- a. The Operator shall comply with State Minimum Standards for solid waste handling and disposal as specified in Title 14, California Code of Regulations (CCR). The operator shall not operate this facility without possession of all required permits/regulatory approvals. The operator shall inspect the site at least once each day of operation to ensure compliance with all applicable standards/conditions/mitigations/permits/regulations.
- b. The operator shall comply with all applicable federal, state and local requirements and enactments including all mitigation and monitoring measures developed in accordance with any certified environmental document filed pursuant to Public Resource Code (PRC) Section 21081.6, and all administrative/enforcement orders of all regulatory agencies with jurisdiction at the facility.
- c. The operator shall maintain a complete copy of this SWFP, and of all LEA/CIVMB regulatory inspection reports at the facility or other approved location readily accessible to facility personnel, LEA staff and other appropriate regulatory personnel.
- d. Additional information concerning the design/operation of the facility shall be furnished upon request to the LEA and other regulatory personnel.
- e. The operator shall notify the LEA in writing of any proposed changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any significant changes unless the operator first submits to the LEA a notice of said changes at least 150 days before said changes are undertaken. Any significant changes as determined by the LEA would require a revision of this permit.
- f. The LEA reserves the right to suspend and/or modify applicable operations at this facility when deemed necessary due to any emergency, potential health hazard, and/or public nuisance.

320

SOLID WASTE FACILITY PERMITFacility/Permit Number
13-AA-0026**LEA Conditions (Continued):**

- g. A log of unusual occurrences shall be maintained. The log shall contain but not be limited to: fires, explosions, discharges, significant incidents of personal injury, seismic events, accidents and/or property damage. Days without incidents shall be noted in the log with an appropriate negative entry. The log shall be maintained at the facility.
- h. Personnel onsite shall have immediate access to radio or telephone access to a 911 emergency dispatcher.
- i. The operator shall maintain a seismograph which records the time of duration and ground acceleration of seismic events.
- j. The fencing of the facility shall be in accordance with the provisions of the EIS/EIR and CUP.
- k. The operator shall install and maintain a weather station approved by APCD which records wind speed, wind direction, temperature and humidity. In addition, a rain gauge shall be installed. This data shall be submitted to the LEA monthly.
- l. The landfill operator shall be permitted to provide temporary storage onsite for recycled materials (e.g., baled cardboard) which are first removed from municipal solid waste at transfer stations and/or MRFs. The recycled materials must be transported from the transfer station/MRF to the proposed landfill in similar containers to those that would be used to transport municipal solid waste residue, except that they must be capable of being identified as containing recyclable material.

No more than 600,000 tons of recyclable materials shall be stored at the landfill at any time at this location. The maximum length of storage for any materials shall be two years. The recyclable material shall be separated and stored by type of material, and shall be clearly marked and dated, and protected from the elements as necessary to assure there is no adverse impact to water quality. The specific storage location within the unlined area of landfill footprint, and within the overall facility boundary shall be allowed to vary as the landfill expands. The ground surface in areas used for recyclable materials storage shall be inspected by a person qualified to identify signs of contamination. Any reported pollution shall be mitigated.

Acceptable recyclable materials for temporary storage within the unlined area of landfill footprint shall be as follows:

- Paper
- Plastic
- Aluminum
- Recyclable metals
- Other materials as allowed by the Regional Water Quality Control Board's (RWQCB's) Executive Officer and approved by the LEA.

The materials shall have already been baled or otherwise contained at originating transfer stations and inspected to ensure that these materials do not contain hazardous materials.

The operator shall submit a Recyclable Materials Start-Up Plan to the LEA for approval of the Imperial County Planning Department, LEA and CIWMB prior to acceptance of such materials. The plan shall include procedures for container/bale identification, date of arrival, two year expiration date, source of origin (for proper return), precipitation runoff protection, rainfall protection, but not limited thereto. The disposal of such materials shall not be permitted without written approval of both the LEA and the CIWMB.

- m. This permit does not release the operator from its responsibility under any other existing laws, ordinances, regulations, or statutes of other government agencies.
- n. The terms and conditions of this permit may change as a result of a revision of applicable statutes or regulations.
- o. All permits or approvals referenced in this permit or its governing RDSI shall be maintained in force during the term of this permit. In the event any permit or approval is modified, is suspended, or revoked, or expires during the term of this permit, the operator shall notify the LEA within 30 days of the change and include copies of any renewed or modified permits or approvals.
- p. The operator shall, prior to operations at night, submit a lighting plan to the LEA for approval. A copy shall be sent to the Marine Corps Air Stations, Yuma, Arizona.

321

SOLID WASTE FACILITY PERMITFacility/Permit Number
13-AA-0026**17. LEA Conditions (Continued):**

- q. The estimated daily MSW residue volumes will be 4,000 tons per day (tpd) for Year 1 of operations, increasing up to 20,000 tpd after Year 7. The estimated daily number of trains will be one train during Year 1 (4,000 tpd), increasing to 5 trains after Year (20,000 tpd). The proposed maximum daily volume of MSW residue will be 20,000 tpd averaged over a two week, 12 day period. MSW residue accepted at the MRL will be received by contract with originating jurisdictions only, and no individual deliveries from the public will be accepted.

| <u>YEARS OF OPERATION</u> | <u>CARS/ TRAINS</u> | <u>AVERAGE TRAINS/DAY</u> | <u>MSW RESIDUE (TONS PER DAY)</u> |
|---------------------------|---------------------|---------------------------|-----------------------------------|
| 1 | 16 | 1 | 4,000 |
| 2 | 16 | 2 | 8,000 |
| 3 - 6 | 16 | 3 | 12,000 |
| 7 | 16 | 4 | 16,000 |
| 8 - 100 | 16 | 5 | 20,000 |

- r. The maximum depth of cut for liner construction purposes shall not exceed 50 feet below natural grade. The final cover shall not exceed a height of 1,300 feet above mean sea level.
- s. The operator shall maintain a record of the number of waste delivery trucks entering the facility.
- t. Truck vehicles used due to railroad stoppages shall traverse Imperial County along a designated route approved by the County Director of Public Works.
- u. All truck vehicles delivering waste to the landfill facility shall have headlights on while in motion.
- v. The operator shall maintain a high winds closure/reduced/or controlled operations policy and shall operate in accordance with the policy as approved by the LEA at all times. The operator shall provide adequate portable litter control fencing and an offsite litter patrol to collect accumulated materials, if any.
- w. The operator shall maintain an LEA approved load checking program for hazardous and PCB wastes at the facility. Initially not less than two containers per trainload received at the facility will be checked by personnel trained for such activities. Hazardous or PCB wastes shall be stored at the approved containment site and removed from the facility in the manner prescribed by law. The load checking program will be subject to modification from time to time pending changes in law or necessity in order to protect the health and welfare of the public and site personnel.
- x. Operator to compile daily tonnage received (24 hr. period) and make available to LEA monthly at a date to be agreed upon.
- y. MSW residue shall be covered daily under all circumstances. When operations extend to a 24 hour period, the "end of the day" shall be at a time mutually agreed upon between the operator and the LEA.
- z. Each of the following companies own a 1/3 interest in the Mesquite Regional Landfill Project.

Gold Field Mining Corporation
14062 Denver West Parkway
Golden, Colorado 80401-3122
Telephone: (303)271-3600
Vice President and General Counsel:
Collon Kennedy

SP Environmental Systems
Union Tower
165 South Union Boulevard, Suite 1000
Lakewood, Colorado 80228
President:
John Spisak

Western Waste Industries
21061 South Western Avenue
Torrance, California 90501
Telephone: (310)328-0900
President:
Kosti Shirvanian

The Landowner is Gold Fields Mining Corporation and Gold Fields Mining Company. The operator is Arid Operations, Inc.

322

to these sites and because the significant effects of the Project (visual, traffic and PM₁₀) would not be avoided at the alternative out-of-County sites. Finally, the other two projects are not within the jurisdictional boundaries of Imperial County. The regional context of these two proposed projects, however, has been discussed throughout the Final EIS/EIR, particularly in the cumulative impact analysis. (Final EIS/EIR, p. 2-96; see also Final EIS/EIR, Response to Comments Nos. 164, 271, and 721.)

The Final EIS/EIR does not include the use of wet cell technology as an alternative because wet cell technology is not regularly accepted by permitting agencies and therefore is not considered a reasonable alternative to the Project at this time. (See Final EIS/EIR, Response to Comment No. 434.)

In sum, the County believes that the alternatives analysis it has prepared fully satisfies applicable legal requirements. (See Final EIS/EIR, Response to Comment No. 721.)

XL STATEMENT OF OVERRIDING CONSIDERATIONS

The Project will have the following significant, unavoidable, adverse environmental impacts:

- Visual impacts caused by landform alteration
- Cumulative traffic impacts caused by Project-related employee traffic on SR 78, in the vicinity of the Project site, from the afternoon before to the morning after weekends and/or holidays from October 1 through May 31.
- Cumulative air quality impacts caused by PM₁₀ emissions during periods when background PM₁₀ concentrations exceed air quality standards.
- In the immediate vicinity of the project a cumulative increase in the risk of train- and vehicle-related mortality of state or federally protected species.

(Final EIS/EIR, pp. 2-91 to 2-94.)

In addition, the Project, like any activity that results in a potential increase of train or vehicle traffic in an area in which a protected species is present, could contribute indirectly to a cumulatively significant potential increase in train-related or vehicle-related mortality of state or federally protected species.

The County has adopted all feasible mitigation measures with respect to these impacts. Although these mitigation measures will substantially lessen most of these significant impacts, the measures will not fully avoid these impacts.

13766

Moreover, the County has examined a reasonable range of alternatives to the Project. Based on this examination, the County has determined that none of these alternatives both (1) meets project objectives as effectively as the Project, and (2) is, taken as a whole, environmentally preferable to the proposed Project, as regards those significant impacts that cannot be substantially lessened or avoided.

As a result, to approve the Project, the County must adopt a "statement of overriding considerations" pursuant to Public Resources Code section 21081, subdivision (b). It should be emphasized, however, that the County's adoption of a statement of overriding considerations with regard to a project's environmental impacts is not an "exemption" from any applicable environmental law or regulation. No lead agency can opt out of applicable State or Federal environmental regulations simply by invoking a statement of overriding considerations pursuant to CEQA. That mechanism merely allows a lead agency to cite a project's general economic, social or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been at least substantially mitigated. The statement explains why, in the agency's judgment, the project's benefits outweigh the unmitigated significant effects. Where another substantive law (e.g., the California Clean Air Act, the Federal Clean Air Act, the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, the California or Federal Endangered Species Acts, the Federal Department of Transportation Act, or the National Historic Preservation Act) prohibits the lead agency from taking certain actions with environmental impacts, a statement of overriding considerations does not relieve the lead agency from such prohibitions.

It should also be noted that CEQA does not require lead agencies to analyze "beneficial impacts" in an EIR. Rather, EIRs are to focus on potential "significant effects on the environment," defined to be "adverse." (Pub. Resources Code, § 21068.) The Legislature amended the definition to focus on "adverse" impacts after the California Supreme Court had held that beneficial impacts must also be addressed. (See Wildlife Alive v. Chickering (1976) 18 Cal.3d 190, 206 [132 Cal.Rptr. 377].) Nevertheless, decision-makers benefit from information about project benefits. (See CEQA Guidelines, § 15093.)

The County finds that the Project's substantial environmental and economic benefits outweigh its impacts. Additional landfill capacity is needed to accommodate MSW generated within Southern California. There is no way to provide additional landfill capacity, however, without creating significant impacts of some sort. Thus, the question is which alternative provides the greatest benefits, at the most reasonable cost, and with the minimal environmental impacts.

From an environmental perspective, the Project site is remarkably well-suited for a regional landfill:

- The area is already disturbed by industrial activity. Thus, although the Project will have a significant impact on visual resources, this impact will be less severe than it would have been at another, pristine site. (Response to Comment No. 646.)

13767

- Much of the infrastructure required for a regional landfill (e.g., water supply, electrical supply, transportation) is already in place.
- The climate is extremely arid. Precipitation averages three inches per year. (Final EIS/EIR, p. 3-29.) Evaporation potential is approximately 100 inches per year. (Final EIS/EIR, p. 3-34.) As a result, the potential for surface water runoff or the generation of leachate or landfill gas is minimized.
- The depth to groundwater is not less than 140 feet. (Final EIS/EIR, p. 3-34.) Basement rock beneath the landfill site is well consolidated. (Final EIS/EIR, p. 3-6.) Thus, even if leachate or LFG is not contained within the landfill itself, the risk that the leachate or LFG would reach groundwater is negligible.
- The Project's above-ground design does not require deep excavation. This configuration has the advantage of maintaining the depth to groundwater. In addition, this design allows the LCRS to drain by gravity along the 1% grade of the liner system, without the need for pumping during operations or the post-closure period. Thus, the above-ground design minimizes the risk of a release of leachate or LFG into the vadose zone or into the groundwater.
- Because of extensive analysis of the site performed in conjunction with the Mesquite Mine, the site is unusually well understood.
- Because of past mining activities, an ample supply of clay and overburden is readily available, without requiring transportation or its related impacts.
- The site is located adjacent to an existing main rail line.
- Vegetation and wildlife habitat in the area are generally of lower quality. The Project enables BLM to exchange this land for higher quality habitat that is contiguous to its existing holdings.
- The Project will allow communities within the South Coast Air Basin to dispose of MSW by train, rather than by long-haul truck or within the air basin, thus advancing the region's air quality goals.
- There are no sensitive receptors (e.g., residences) near the site.

MSW residue will continue to be generated, and a location must be identified for the disposal of that MSW residue. In light of these factors, it would be difficult to identify another site that is better suited for a regional landfill.

Moreover, the No-Project alternative is not environmentally preferable to the Project. In addition, the No-Project alternative fails to meet most of the project objectives. Neither the Smaller Landfill Footprint alternative nor the Decreased Disposal Rate alternative is environmentally

preferable to the Project, and neither meets the project objectives as effectively as does the Project. The Project is environmentally preferable to the landfill site alternative and the Larger Project alternative and meets more of the project objectives than do these alternatives.

In addition, the Project results in numerous beneficial impacts to the County. For example, the Project will create approximately 150 construction jobs and approximately 268 additional jobs at peak operations. (Final EIS/EIR, p. 4-153.) The Project will also generate approximately 658 construction-related and 65 long-term secondary jobs. (Final EIS/EIR, p. 4-154.) Many of these jobs would go to local workers. (Final EIS/EIR, p. 4-153.) Direct earnings of Imperial County residents are expected to total approximately \$4.0 million for long-term operations and \$1.9 million for initial construction. (Final EIS/EIR, pp. 4-153, 4-155 (Table 4-28).) The wages for these jobs will exceed the average wages per job for Imperial County. Because the County is currently experiencing an unemployment rate of approximately 24%, this benefit is considered extremely important to the fiscal health of the County. In addition, the Project will result in significant sales of goods and services within the County. (Final EIS/EIR, pp. 4-153, 4-156.)

The Project would generate revenues for Imperial County. These revenues will include property taxes, utility taxes, sales taxes, chargers for permitting and inspection services, licenses, and permit fees. These revenues will exceed costs incurred by the County in connection with the Project. (Final EIS/EIR, pp. 4-156, 4-158.)

The County finds that, on balance, the Project represents the best balance of cost, benefit, an minimized environmental impacts. The County finds that the Project minimizes the environmental impacts to the extent practicable, while still realizing the Project's benefits. Accordingly, the County finds that the Project's adverse, unavoidable, environmental impacts are outweighed by these considerable benefits.

Dated: September 6, 1995


Brad Luckey
Chairman, Board of Supervisors

Aridfnd2.doc

13769

ATTACHMENT 6

California Integrated Waste Management Board
Permit Decision No. 97-89
March 26, 1997

WHEREAS, Arid Operations Incorporated, a subsidiary of Gold Fields Mining Corporation, proposes to operate the Mesquite Regional Landfill in Imperial County, on land owned by Gold Fields Mining Corporation; and

WHEREAS, the proponent proposes to transport municipal solid waste by rail from the Los Angeles area; and

WHEREAS, the United States Department of Interior through the Bureau of Land Management (BLM) and the County of Imperial acting as Lead Agencies, prepared an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse #92051024) for construction and operation of the proposed Mesquite Regional Landfill and Board staff provided comments on July 6, 1994; and

WHEREAS, on September 6, 1995, the Final EIS/EIR was certified and the project approved by the Imperial County Board of Supervisors. The County Board of Supervisors also adopted a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations. The EIS/EIR identified impacts that cannot be mitigated, which include significant visual impacts, cumulatively significant air quality impacts, cumulatively significant traffic impacts, and a localized cumulative increase in risk train/vehicle-related mortality to state or federally protected species; and

WHEREAS, on October 6, 1995, a petition and complaint was filed by project opponents in California Superior Court to invalidate the Board of Supervisors's CEQA certification and permit approvals. The Court found that some areas of the EIS/EIR required clarifications. An addendum was prepared which clarified the Project Description of the Environmental Setting with respect to critical habitat for the desert tortoise. The Court did not invalidate the CEQA certification or any permits; and

WHEREAS, portions of the proposed project were owned by the BLM and a land exchange occurred between BLM and Gold Fields Mining Corporation. A Record of Decision approving the land exchange and railroad spur right-of-way was signed by the BLM on February 14, 1996. On January 31, 1997, BLM and Gold Fields Mining Corporation exchanged land, thus making Gold Fields Mining Corporation the sole owner of the land where the project will be situated; and

WHEREAS, on November 29, 1995 the Colorado River Basin Regional Water Quality Control Board approved Waste Discharge Requirements for the Mesquite Regional Landfill; on December 28, 1995 opponents of the project appealed the decision; on April 22, 1996 the State Water Resources Control Board dismissed the opponents' petition for lack of supporting documentation; and

WHEREAS, the Imperial County Department of Health Services, Division of Environmental Health, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a new Solid Waste Facility Permit for the Mesquite Regional Landfill; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility's design if operated in a manner described in the Report of Facility Information will comply with State Minimum Standards; and

WHEREAS, the project description in the EIS/EIR is consistent with the proposed permit; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, and consistency with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 13-AA-0026.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 40

ITEM: CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR
THE COACHELLA TRANSFER/RECYCLING STATION, RIVERSIDE
COUNTY

COMMITTEE

ACTION: At the time that this item went to print, the
Permitting and Enforcement Committee had not yet taken
an action on this item. Changes in the item from that
presented in the Committee item are indicated with
underline for insertions and ~~strikeout~~ for deletions.

I. BACKGROUND:

Facility Facts

Name: Coachella Transfer/Recycling Station
Facility No. 33-AA-0248

Facility Type: Large Volume Transfer Station

Location: 87011 Landfill Road
North of Interstate 10 near Coachella

Proposed Area: 76.5 acres

Setting: Site is located within the boundaries of a
landfill undergoing closure activities

Operational
Status: Not yet constructed

Proposed
Tonnage: 1,100 tons per day (TPD), 700 tons per
day average

Operator: City of Coachella
John Curtis, City Manager

Land Owner: Riverside County Waste Resources
Management District
Robert Nelson, Chief Executive Officer

LEA: Riverside County Department of
Environmental Health
John Fanning, Director

Proposed Project

The project proponent seeks to construct and operate a large volume transfer station within the permitted boundaries of the Coachella Landfill. The station would receive the waste that currently goes to the landfill which will close sometime this year (June or July is the latest estimate).

II. SUMMARY:

Site History The Coachella Landfill will close this year. It has operated since 1972. Upon its closure and should no new options be available, the waste going to the landfill would instead be sent to other landfills such as the Edom Hill Landfill or the Badlands Landfill. The former is about 30 miles away while the latter is twice that.

Anticipating the landfill closure, the Coachella Valley Association of Governments (CVAG) in 1995 requested proposals for waste disposal alternatives. In October of that year, the Riverside County Waste Resources Management District (RCWRMD), operator of the landfill, submitted a proposal for their operation of a transfer station at the landfill site. According to RCWRMD, CVAG has not chosen any proposal but instead has opted to wait for the formation of a proposed joint powers authority representing the various cities of the Coachella Valley. Assuming that the formation of a JPA is successful, the final choice would be up to that authority. Currently, it appears that the RCWRMD proposal is not one of the finalists.

However, in the interim, at least two cities chose to take their own steps to avert long distance waste disposal. The City of Coachella decided to work with RCWRMD and reached an agreement to operate the proposed transfer station at the site. (The City of

Indio is in the early stages of developing a transfer station of their own.) Should the City of Coachella be successful in obtaining a solid waste facility permit and the project proceeds, the City will seek a qualified contract operator to conduct the day to day operations of the facility.

Project Description

The transfer station is relatively simple in design. It will be located in a former borrow area of the landfill and will not be within the waste disposal "footprint". It will be an open air facility with a concrete tipping pad 125 feet wide by 180 feet long. Limited material recovery will occur through hand sorting of selected loads. The only structures will be the scalehouse, office trailer, and household hazardous waste storage. A retaining wall will be located along one edge of the pad. The wall will be long enough to accommodate two transfer trailers parked parallel to it.

Vehicles will enter the tipping area after first passing the scale house. The fee booth operator will, depending on the load, direct the vehicle to the recyclables area or to the tipping area. Those carrying recyclables will go to either the drop off area where separate bins are located for these materials or to a large area in the eastern part of the facility where items such as tires, appliances, mattresses, and green waste may be left. These items will be stored until a full truck load of a material is collected and shipped to market.

Those vehicles with mostly non-recoverable wastes will be directed to the tipping pad. Six unloading stalls will be designated on the pad. The operator anticipates that four of the stalls will be used by commercial haulers while the other two will be used by self-haulers. Tipping occurs under the supervision of station personnel. Some floor sorting of these materials will occur, but the Report of Station Information (RSI) indicates that only about a 3.5% diversion rate is expected. Loaders push the waste through chutes in the retaining wall into the transfer trailers parked next to the wall. As they fill the transfer trailers will be hauled to the final disposal site,

expected at this time to be the Badlands Landfill, about 60 miles distant.

The site is projected to have an average waste receipt of 500 tons per day (TPD). This average is based on recent waste receipt at the Coachella Landfill. The station is designed to handle the proposed maximum permitted tonnage of 1,100 TPD as well as an ongoing average of 700 TPD.

The site will also host periodic household hazardous waste (HHW) collection events. Residents will be allowed to bring materials such as anti-freeze, batteries, oil, and paint. The site could also be visited by the County's mobile program which accepts other materials as well.

Environmental Controls The Report of Station Information submitted for this facility describes environmental control measures that will adequately minimize the effects of dust, litter, noise, odor, vectors, drainage, and illegal hazardous waste disposal. If operated according to these environmental controls the site should operate in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

Resource Recovery As indicated above, recovery activities will be minimal. Site users with recyclables will go to either the drop off area where separate bins are located for these materials or to a large area in the eastern part of the facility where items such as tires, appliances, mattresses, and green waste may be left.

III. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facility Permit

Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the permit was received on February 6, 1997, the last day the Board could act is April 7, 1997.

The LEA has submitted a proposed permit to the Board. The following table summarizes Board staff's analysis:

| Coachella Transfer/Recycling Station | Acceptable | Unacceptable | To Be Determined | Not Applicable | See Details in Agenda Item |
|--|------------|--------------|------------------|----------------|----------------------------|
| CIWMP Conformance (PRC 50001) | | | | X | |
| CoSWMP Conformance (PRC 50000) | X | | X | | 2 |
| General Plan Conformance (PRC 50000.5) | X | | X | | 2 |
| Consistency With State Minimum Standards | X | | | | |
| California Environmental Quality Act | X | | | | 1 |
| Closure/Post-Closure Maintenance Plan | | | | X | |
| Funding for Closure/Post-Closure Maintenance | | | | X | |
| Operating Liability | | | | X | |

1. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document. The Riverside County Waste Resources Management District prepared Environmental Assessment 37033, equivalent to a mitigated negative declaration (MND), for the proposed project. The MND (SCH #96081034) has indicated that there are no significant environmental impacts associated with this project that cannot be mitigated. Board staff provided comments on the MND on September 11, 1996. A Mitigation Measures Monitoring Program was adopted. A Notice of Determination was filed on October 8, 1996. Board staff have determined that the MND is adequate and appropriate for CEQA compliance purposes in those areas in which the Board has authority and responsibility.

2. CoSWMP Conformance/General Plan Consistency

~~At the time that this item was being prepared, staff of the Board's Office of Local Assistance (OLA) were still in the process of verifying the LEA's finding of the facility's conformance with the County's Solid Waste Management Plan and consistency with the County General Plan. OLA staff's results will be presented at the Permitting and Enforcement Committee meeting.~~

Since the committee agenda item was prepared, the Board's Office of Local Assistance (OLA), the Riverside County Waste Resources

Management District and the LEA have met via conference call and OLA determined that the requirements of conformance with Public Resources Code 50000 and consistency with the County General Plan have been satisfied.

STAFF RECOMMENDATION:

Because a new Solid Waste Facility Permit is being proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

~~At the time that this item was being prepared, staff did not have sufficient information to make a recommendation to the Board. It is anticipated that more information will be presented at the Permitting and Enforcement Committee meeting.~~

Staff recommends that the Board adopt Permit Decision No. 97-90 concurring in the issuance of Solid Waste Facility Permit No. 33-AA-0248.

ATTACHMENTS:

1. Location Map
2. Facility Map
3. Proposed Permit No. 33-AA-0248
4. Permit Decision 97-90

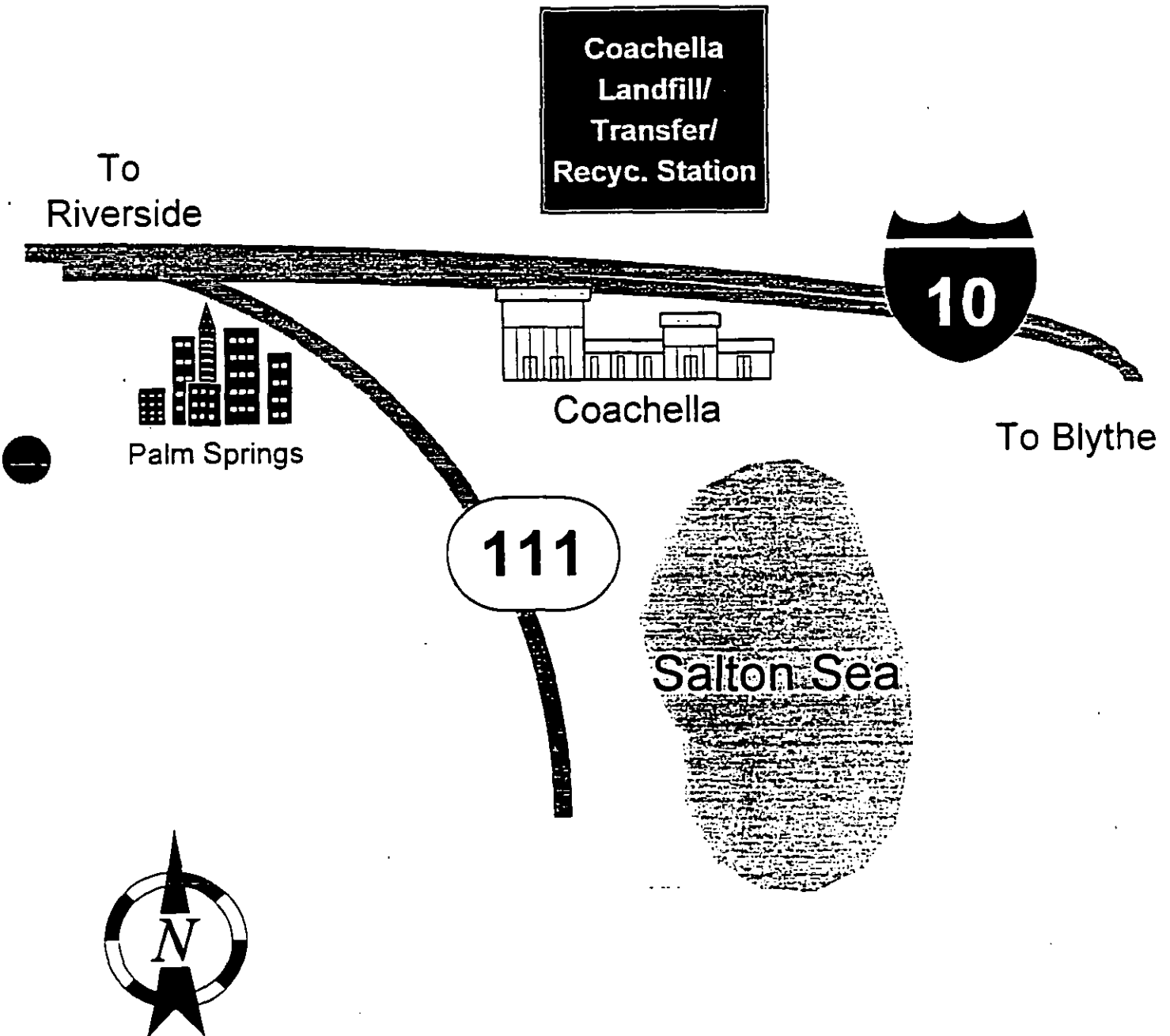
Prepared By: David Otsubo *DKE 3/5/97* Phone: 255-3303

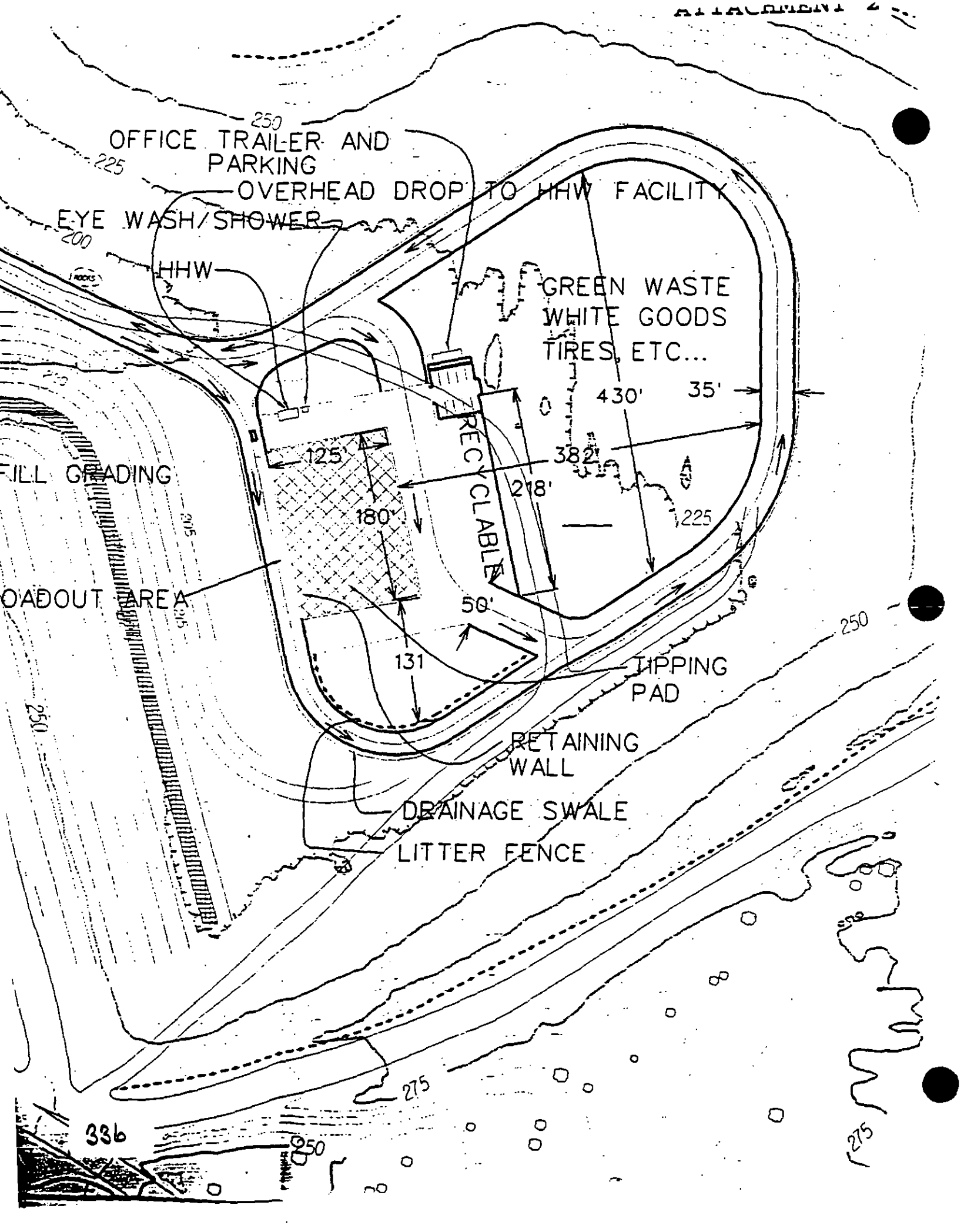
Approved By: Suzanne Hambleton *SH 3/6/97* Phone: 255-2453

Approved By: Don Dier, Jr. *DD 3/6/97* Phone: 255-2453

Approved By: Dorothy Rice *D. Rice 3/11/97* Phone: 255-2431

Legal Review: Kathryn J. Johnson Date/Time: 3/17/97





SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0248/97-01

2. Name and Street Address of Facility
Coachella Transfer / Recycling
Station
870011 Landfill Road
Coachella, CA 92236

3. Name and Mailing Address of Operator
City of Coachella
15156 Sixth
Coachella, CA 92236

4. Name and Mailing Address of Owner
Riverside County Waste Resources
Management District
1995 Market Street
Riverside, CA 92501

5. Specifications :

a. Permitted Operations

- | | |
|---|---|
| <input type="checkbox"/> Composting Facility (mixed wastes) | <input type="checkbox"/> Processing Facility |
| <input type="checkbox"/> Composting Facility (yard waste) | <input checked="" type="checkbox"/> Transfer Station |
| <input type="checkbox"/> Landfill Disposal Site | <input checked="" type="checkbox"/> Recycling Station |
| <input type="checkbox"/> Material Recovery Facility | <input type="checkbox"/> Transformation Facility |

b. Permitted Hours of Operation: Monday through Saturday, 6:00 a.m. - 8:00 p.m. Possible Sundays, from 6:00 a.m. - 8:00 p.m. with prior notification to the LEA. Closed on the following holidays New Years Day, Memorial Day, Easter Sunday, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day.

c. Permitted Tons per Operating Day:

| | Maximum / Average | Tons/Day |
|---|--------------------------|-----------------|
| Non-Hazardous - General | 1,100 / 700 | Tons/Day |
| Non-Hazardous - Separated or commingled recyclables | Included in Total Number | |
| Household Hazardous Waste | See Section 14 of Permit | |
| Total | 1,100 / 700 | Tons/Day |

d. Permitted Traffic Volume:

| | Maximum / Average | Vehicles/Day |
|---|-------------------|---------------------|
| Incoming Waste Materials | 286 / 185 | Vehicles/Day |
| Outgoing Materials for Disposal / Recycling | 58 / 36 | Vehicles/Day |
| Total | 344 / 221 | Vehicles/Day |

e. Key Design Parameters (Detailed parameters are shown on site plans) :

| | Total | Disposal | Transfer | MRF | Composting | Transform. |
|-----------------------------|--------|----------|-----------|-----|------------|------------|
| Permitted Area (in acres) | 76.5 a | 0 a | 76.5 a | a | 0 a | 0 a |
| Design Capacity | | N/A cy | 1,100 tpd | tpd | N/A tpd | N/A tpd |
| Maximum Elevation (Ft. MSL) | | N/A ft | | | | |
| Maximum Depth (Ft. BSG) | | N/A ft | | | | |
| Estimated Closure Date | | | | | | |

This permit is granted to the operator named above, and is transferable with proper notification. Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension.

6. Approval:

John M. Fanning Director, Riverside County Department of Environmental Health

7. Enforcement Agency Name and Address:

Local Solid Waste Management Enforcement
Agency for Riverside County
1737 Atlanta Avenue, Building "H-5"
Riverside, CA 92507

8. Received by CIWMB:

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

12. Legal Description of Facility (map attached with RFI):

Section 22 Township 5 South, Range 8 East, SBB&M, 33° 43' 33" North and 116° 08' 18" East

337

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0248/97-01

13. Findings :

- a. This permit is consistent with the Nondisposal Element of the County Integrated Waste Management Plan (CIWMP), Public Resources Code, Section 50000. (a) dated November, 1994 and amended March, 1997
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- c. A Notice of Determination, dated October 1, 1996, is filed with the State Clearinghouse pursuant to Public Resources Code, Section 21081.6.
- d. A County-wide Integrated Waste Management Plan has been submitted but not yet approved by the California Integrated Waste Management Board.
- e. The Riverside County Board of Supervisors sitting as the Board of Directors for Riverside County Waste Resources Management District (RCWRMD) made a determination, on October 1, 1996, that the facility is consistent with the applicable general plan as required in Public Resources Code, Section 50000.5 (a).

14. Prohibitions :

The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, medical waste, designated waste, or hazardous waste except for approved Household Hazardous Waste Roundups as authorized by all applicable permits.

The permittee is additionally prohibited from the following items:

- Night- time acceptance of waste unless lighting is approved by the LEA.
- Storage of solid waste in excess of 48 hours
- Storage of recyclables beyond designated storage area
- Storage of recyclables in such a manner as to create a nuisance

15. The following documents also describe and/or restrict the operation of this facility:

| | Date |
|--|--------------------|
| <input checked="" type="checkbox"/> Report of Facility Information | Jan. 1997 |
| <input checked="" type="checkbox"/> Negative Declaration | Aug. 1996 |
| <input checked="" type="checkbox"/> Notice of Determination | Oct. 1996 |
| <input checked="" type="checkbox"/> Lease Agreements - owner and operator (Board of Directors RCWRMD, Action) | August 1996 |
| <input checked="" type="checkbox"/> Contract Agreements - operator and vendor | Prior to operation |
| <input checked="" type="checkbox"/> Waste Discharge Requirements | Jan. 1997 |
| <input checked="" type="checkbox"/> Air Pollution Permits and Variances | Jan 1997 |

16. LEA Conditions :

- a. This facility shall comply with all federal, state and local requirements and enactments, including all mitigation measures given in the certified Negative Declaration filed pursuant to Public Resources Code, Section 21081.6, as enforced by the authorized Regulatory Agencies.
- b. The operator shall make copies of all inspection reports and permits issued by this and other regulatory agencies available for review by site personnel and authorized representatives of all responsible agencies during normal office hours (8:00 a.m. to 5:00 p.m. Monday -Friday). In addition, the Report of Facility Information, and incident log, shall be available for inspection.
- c. The facility is permitted to receive the following non-hazardous solid wastes: mixed municipal, including residential and commercial, construction and demolition. This facility may remove recyclables from incoming waste, and is designed with a buy back center.
- d. Any additional information the LEA deems necessary to permit and inspect this facility shall be provided by the operator.

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number

33-AA-0248/97-01

16. LEA Conditions (continued) :

- e. To comply with Title 14, Section 17497 (Personnel Health and Safety), the operator shall ensure that all personnel assigned to waste handling/processing duties have and utilize (when and where appropriate) the following equipment: dust masks, hearing protection devices, safety glasses/goggles, safety vests, heavy work gloves, heavy work boots (steel shanks and toes recommended), and hard hats. Where applicable, this equipment shall meet all State and Federal safety standards. A copy of the site's Health and Safety Plan shall be maintained on-site.
- f. The site shall implement a formal hazardous waste monitoring program that is approved by this agency. At a minimum, the program shall include the following:
- inspection of incoming loads for fugitive hazardous wastes at the tipping floor
 - training of all staff responsible for waste handling/management in hazardous waste recognition and site procedures in managing detected hazardous wastes
- g. At a minimum, the following items shall be recorded in the site's special occurrences log:
- weather conditions that adversely impact site operations
 - fires
 - explosions
 - accidents and/or injuries
 - any incidents involving hazardous waste
 - equipment failures that impact operations
 - visits by regulatory agencies (name, agency, mailing address, phone number)
- h. The following environmental measurements shall be reported to the LEA on a quarterly basis:
- a copy of the most recent Mitigation Monitoring Implementation Schedule
 - number and type of all vehicles utilizing the site each day
 - quantities and types of wastes received each day
 - quantities and types of wastes sent to disposal site(s) each day
 - quantities and types of recyclables recovered each day
 - copy of monitoring reports in Monitoring Program 97-09 sent to the Regional Water Quality Control Board.

A responsible officer or representative of the permittee shall attest to the accuracy of the report, and sign to that effect. The report shall be submitted to the LEA in accordance with the following schedule:

REPORTING PERIOD

January through March
April through June
July through September
October through December

REPORT DUE

May 1
August 1
November 1
February 1

California Integrated Waste Management Board
Permit Decision No. 97-90
March 26, 1997

WHEREAS, the City of Coachella, in partnership with the Riverside County Waste Resources Management District, proposes the operation of a large volume transfer station within the boundaries of the Coachella Landfill; and

WHEREAS, the Riverside County Waste Resources Management District, the lead agency for CEQA review, prepared Environmental Assessment No. 37022, equivalent to a mitigated negative declaration, for the proposed project; Board staff reviewed the mitigated negative declaration and provided comments to the lead agency on September 11, 1996; mitigation measures were made a condition of the approval of the proposed project; and the lead agency filed a Notice of Determination with the County Clerk on October 8, 1996; and

WHEREAS, the Board of Directors of the Riverside County Waste Resources Management District approved the project at a public hearing on October 1, 1996; and

WHEREAS, the project proponents submitted an application for a new solid waste facility permit to the Riverside County Department of Environmental Health, the local enforcement agency; and

WHEREAS, the Riverside County Department of Environmental Health has submitted to the Board for its review and concurrence in, or objection to, a new Solid Waste Facility Permit for the Coachella Transfer/Recycling Station; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design consistent with State Minimum Standards; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the Non-Disposal Facility Element of the County Integrated Waste Management Plan, consistency with the County General Plan, and compliance with the California Environmental Quality Act; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 33-AA-0248.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

March 26, 1997

AGENDA ITEM 41

ITEM: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT
FOR THE HEALDSBURG TRANSFER STATION, SONOMA COUNTY

COMMITTEE

ACTION: At the time that this item went to print, the
Permitting and Enforcement Committee had not yet taken
an action on this item. Changes in the item from that
presented in the Committee item are indicated with
underline for insertions and ~~strikeout~~ for deletions.

I. BACKGROUND:

Facility Facts

| | |
|------------------------|--|
| Name: | Healdsburg Transfer Station Facility No. 49-AA-0245 |
| Facility Type: | Large Volume Transfer Station |
| Location: | 166 Alexander Valley Road Healdsburg, California |
| Permitted Area: | 1.74 acres |
| Proposed Area: | 1.74 acres |
| Setting: | Surrounding land uses are a closed landfill, a recycling center, agricultural, and rural residential |
| Operational Status: | Active, currently operating under a permit issued by the LEA on March 28, 1995 |
| Permitted Tonnage: | 320 tons per day (TPD) |
| Proposed Tonnage: | 450 tons per day (TPD) |

Owner/
Operator: Sonoma County Department of Transportation
and Public Works
Richard Doble, Division Manager

LEA: Sonoma County Department of Health Services
Environmental Health Division
Jonathan J. Krug, Director

Proposed Project

The operator seeks to increase the maximum permitted tonnage at the site from 320 to 450 tons per day. The official name of the owner/operator has also changed from the "Sonoma County Public Works Refuse Division" to the "Sonoma County Department of Transportation and Public Works." Other than an associated increase in permitted traffic volume of up to seven additional transfer vehicles, no other changes are contemplated in this permit.

II. SUMMARY:

Site History The Healdsburg Transfer Station has operated since 1988 at the same address. The facility is located on County owned land and has provided the area with local service since the adjacent Healdsburg Landfill closed.

The March 1995 solid waste facility permit indicated that the site would have a maximum of 320 tons per day. Roughly once per month since that time, the facility received more than this amount, the highest being 402 tons. As a result of this, the LEA wrote a letter dated June 28, 1996, in which he directed the operator to update the Report of Station Information (RSI), complete any required CEQA documentation, and submit an application for permit revision. In December, the LEA received said application and amended RSI pages from the operator.

Project Description

The Healdsburg Transfer Station includes a 21,000 square foot tipping floor and four recessed trailer loading bays covered by a metal roof. Site users enter the site after being stopped at the gatehouse and are directed to tip their loads on the tipping floor. There the tipped waste may be compacted by a track bulldozer, if necessary, and then pushed into one of the waiting transfer trailers. These are removed when full, and within 24 hours, and taken to the Central Landfill in Petaluma, about 30 miles away.

The transfer station is open seven days per week. Waste receipt is allowed from 8:00 a.m. to 5:00 p.m., while transfer operations may occur from 5:30 a.m. to 6:00 p.m.. Hours of operation would not be affected by this permit action.

The original CEQA document, an environmental impact report (EIR), projected that, by 1995, up to 805 vehicle trips would be related to the transfer station. This number was derived from an extrapolation of the historical vehicle trips to the Healdsburg Landfill based on expected population growth. Traffic has not approached these proportions, mostly because fewer people in the area bring trash directly to the facility. Only seven more vehicles per operating day would be allowed by the proposed permit.

Environmental Controls The Report of Station Information submitted for this facility describes environmental control measures that will adequately minimize the effects of dust, litter, noise, odor, vectors, drainage, and illegal hazardous waste disposal. If operated according to these environmental controls, the site should operate in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

Resource Recovery Little resource recovery occurs within the permitted boundary of the station. The station is located adjacent to a designated recycling area. Typically, site users drop off any recyclable material at this area before going to the transfer station.

There is also a large bin located near the tipping area. Station employees may remove any large recyclables such as tires and metal goods from the tipping floor and place them in the bin. These materials are periodically removed to the nearby recycling area.

III. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facility Permit

Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the permit was received on February 18, 1997 the last day the Board could act is April 19, 1997.

The LEA has submitted a proposed permit to the Board. The following table summarizes Board staff's analysis:

| Healdsburg Transfer Station 49-AA-0245 | Accept- able | Unaccept- able | To Be Deter- mined | Not Applic- able | See Details in Agenda Item |
|--|-----------------|-------------------|--------------------------|------------------------|----------------------------------|
| CIWMP Conformance (PRC 50001) | X | | | X | 3 |
| CoSWMP Conformance (PRC 50000) | | | | X | |
| General Plan Conformance (PRC 50000.5) | | | | X | |
| Consistency With State Minimum Standards | | | X | | 2 |
| California Environmental Quality Act | X | | | | 1 |
| Closure/Post-Closure Maintenance Plan | | | | X | |
| Funding for Closure/Post-Closure Maintenance | | | | X | |
| Operating Liability | | | | X | |

1. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document. The Sonoma County Department of Public Works prepared an EIR in September 1987. The EIR (SCH #87012010) was prepared to address the closure of the landfill, the transfer station, and amendments to the CoSWMP and County General Plan related to the two facilities. Board staff provided comments on the EIR on August 17, 1987. On October 6, 1987, the County Board of Supervisors found the EIR to be adequate and certified the document. On December 1, 1987, the County Board of Supervisors

approved the transfer station project and adopted the proposed mitigation measures found in the EIR. In doing so, that Board determined in Resolution No. 87-2217 that "overriding public interests warrant approval of the project even though there are unavoidable adverse impacts." The impacts were related to noise and traffic, both of which were identified as possible significant impacts, if land uses in the adjacent area changed.

In 1997, the Department of Transportation and Public Works, acting as lead agency, determined that the project (to increase maximum tonnage to 450 tons per day) does not exceed the parameters of the existing EIR and filed a Notice of Exemption (category I) dated December 5, 1996.

With respect to the proposed changes at the transfer station, Board staff believe that the only potential impact would be due to an increase in traffic. The increased traffic is still within the parameters of the analysis in the 1987 EIR.

The LEA has also indicated, that to the best of his knowledge, no other changes have occurred with respect to the facility, that there have not been any recent developments along Alexander Valley Road that contribute significantly to traffic on that thoroughfare, and that there is no other information regarding the project not known in 1987. Based on this information, staff have determined that there is no new information regarding new potential impacts, severity of known impacts, or effectiveness of existing mitigation measures and that the 1987 EIR is adequate and appropriate for CEQA compliance purposes in those areas in which the Board has authority and responsibility.

2. Consistency with State Minimum Standards

At the time that this item went to print, staff of the Board's Enforcement Branch had not yet conducted a pre-permit inspection of the site. It is anticipated that the results of this inspection will be available before the Permitting and Enforcement Committee Meeting.

3. CIWMP Conformance

Sonoma County has an approved County Integrated Waste Management Plan. ~~The Plan was approved by the Board on November 15, 1995. Public Resources Code Section (PRC) 50001(a) provides criteria for establishing or expanding solid waste facilities after Board approval of the CIWMP.~~

Since the Healdsburg Transfer Station is not designed to, and does not have a condition of its permit, to recover for refuse or recycling at least five percent of the total volume of material received by the facility, a conformance finding per PRC 50001(a)(2) is not required. It should be noted, however, that the Healdsburg Transfer Station is adequately identified in the Board approved Nondisposal Facility Element.

STAFF RECOMMENDATION:

Because a revised Solid Waste Facility Permit is being proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

At the time that this item was being prepared, staff did not have sufficient information to make a recommendation to the Board. It is anticipated that more information, including staff's recommendation, will be presented at the Permitting and Enforcement Committee meeting.

ATTACHMENTS:

1. Location Map
2. Facility Map
3. Proposed Permit No. 49-AA-0245

Prepared By: David Otsubo ^{DO 3/4/97} Phone: 255-3303

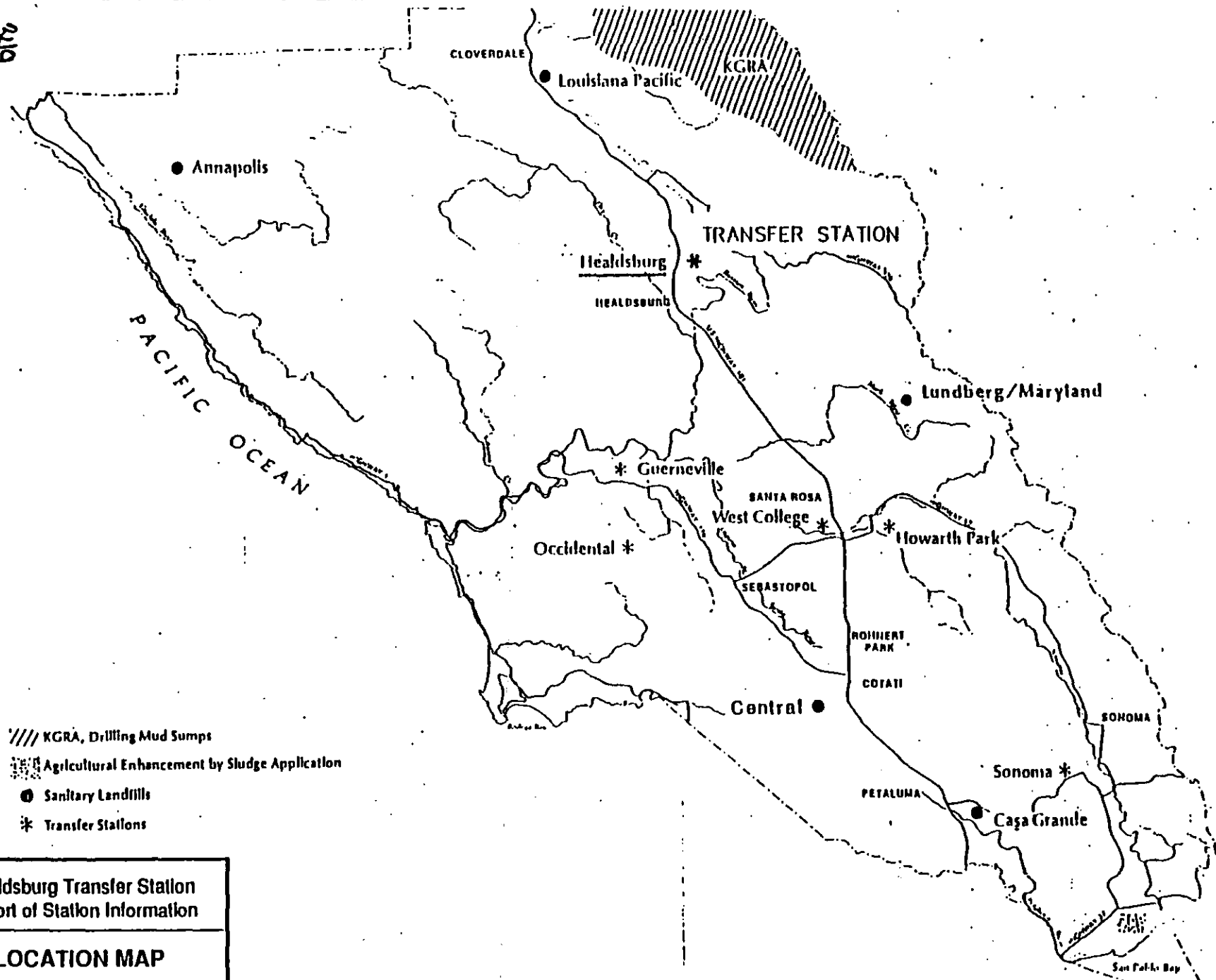
Approved By: Suzanne Hambleton ^{SH 3/4/97} Phone: 255-2453

Approved By: Don Dier, Jr ^{DD 3/5/97} Phone: 255-2453

Approved By: Dorothy Rice ^{DR 3/5/97} Phone: 255-2431

Legal Review: Kathryn J. Tobin Date/Time: 3/10/97

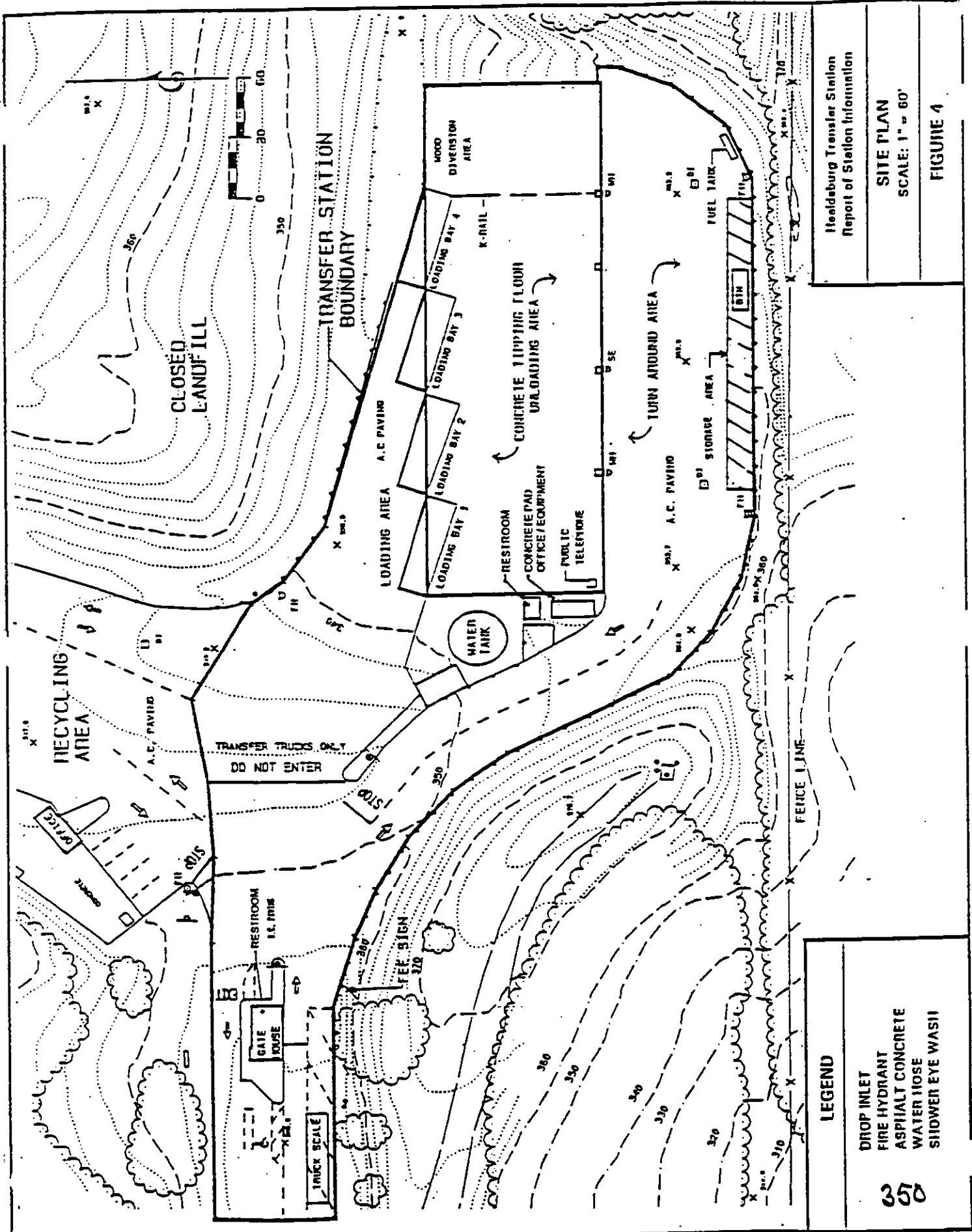
349



Healdsburg Transfer Station
Report of Station Information

LOCATION MAP

FIGURE 1



Heidelberg Transfer Station
Report of Station Information

SITE PLAN
SCALE: 1" = 60'

FIGURE 4

LEGEND

DROP INLET
FIRE HYDRANT
ASPHALT CONCRETE
WATER HOSE
SHOWER EYE WASH

350

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number:

49-AA-0245

2. Name and Street Address of Facility:

Healdsburg Transfer Station
166 Alexander Valley Road
Healdsburg, CA 95448

3. Name and Mailing Address of Operator:

Sonoma County Department of
Transportation and Public Works
Integrated Waste Division
575 Administration Drive
Room 117A
Santa Rosa, CA 95403

4. Name and Mailing Address of Owner:

Same as Operator

5. Facility Specifications:

6. Permitted Operations:

☐ Composting Facility
(mixed wastes)☐ Composting Facility
(yard waste)☐ Landfill Disposal Site☐ Material Recovery Facility☐ Processing Facility☒ Transfer Station☐ Transformation Facility☐ Other: _____

7. Permitted Hours of Operation:

Contract Operator - 5:30 a.m. to 6:00 p.m., 7 days/week

Public - 8:00 a.m. to 5:00 p.m. 7 days/week

Closed on Holidays: New Year's Day, Easter, Labor Day, Independence Day, Thanksgiving, and Christmas.

8. Permitted Tons per Operating Day:

Nonhazardous - General

Nonhazardous - Sludge

Nonhazardous - Separated or commingled recyclables

Nonhazardous - Other (See Section 14 of Permit)

Designated (See Section 14 of Permit)

Hazardous (See Section 14 of Permit)

Average daily loading 195 tpd; peak loading design capacity 450 tpd

| | | |
|--------|------|----------|
| Total: | 450* | Tons/Day |
| | 450 | Tons/Day |
| | 0 | Tons/Day |
| | N/A | Tons/Day |
| | N/A | Tons/Day |
| | 0 | Tons/Day |
| | 0 | Tons/Day |

9. Permitted Traffic Volume:

Incoming waste materials

Outgoing waste materials (for disposal) - Transfer trailers

Outgoing materials from material recovery operations - yard waste, tires, metal.

| | | |
|--------|--------------|--------------|
| Total: | 423 Maximum | Vehicles/Day |
| | 400 | Vehicles/Day |
| | 22 | Vehicles/Day |
| | No Set Limit | Vehicles/Day |

10. Key-Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

11. Permitted Area (in acres)

Design Capacity

Max. Elevation (Ft. MSL)

Max. Depth (Ft. BGS)

Estimated Closure Date

| Total | Designated | Transfer | MRF | Composting | Transformation |
|--------|------------|----------|-----|------------|----------------|
| 1.74 ± | N/A | 1.74 ± | N/A | N/A | N/A |
| | | 450 tpd | md | md | md |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

Approval:

Approving Officer Signature

Name/Title

7. Enforcement Agency Name and Address:

County of Sonoma Department of
Health Services
Environmental Health Division
1030 Center Drive, Suite A
Santa Rosa, CA 95403-2067

8. Received by CIWMB: FEB 18 1997

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

351

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:
49-AA-0245

12. Legal Description of Facility (attach map with RFI):

166 Alexander Valley Road, Healdsburg CA. 95448. Off Alexander Valley Road, 1/4 mile east of Healdsburg Avenue, north of the city of Healdsburg. AP #091-070-22, section 4 of Township 9N, Range 9W, Baseine and meridian (MDB & D). Latitude 38-38 - 30" -N, Longitude 122-51'-30"-W.

13. Findings:

- a. This permit is consistent with the County Wide Integrated Waste Management Plan, April 1996, (page 4-29). Public Resources Code, Section 50001.
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.
- d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151: Geyserville Volunteer Fire Department.
- e. An environmental determination (i.e. Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to Public Resources Code, Section 21081.6.
- f. A Notice of Categorical Exemption from the requirements of the California Environmental Quality Act was posted on December 5, 1996.
- g. The County Wide Integrated Waste Management Plan has been approved by the California Integrated Waste Management Board.

14. Prohibitions:

The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

The permittee is additionally prohibited from the following items:

| | | |
|--------------------------|-------------------------------|-----------------------------|
| <u>Dead Animals</u> | <u>Liquid Waste or Sludge</u> | <u>Grease Trap Pumpings</u> |
| <u>Radioactive Waste</u> | <u>Infectious Waste</u> | <u>Ash</u> |
| <u>Asbestos</u> | <u>Designated Waste</u> | <u>Burning Waste</u> |
| <u>Explosives</u> | <u>Septic Tank Pumpings</u> | |

15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

| | | | |
|--|----------------------|---|----------------------|
| <input checked="" type="checkbox"/> Report of Facility Information | <u>Dec. 1996</u> | <input checked="" type="checkbox"/> Contract Agreements - operator and contract | <u>May 2, 1989</u> |
| <input checked="" type="checkbox"/> Land Use Permits and Conditional Use Permits: Resolution #87-2217 referenced in February 24, 1988 letter from Planning Department | <u>Dec. 1, 1987</u> | <input type="checkbox"/> Waste Discharge Requirements | <u>N/A</u> |
| <input type="checkbox"/> Air Pollution Permits and Variances | <u>N/A</u> | <input type="checkbox"/> Local & County Ordinances | <u>N/A</u> |
| <input checked="" type="checkbox"/> EIR SCH 87012010# | <u>Jan. 2, 1988</u> | <input type="checkbox"/> Final Closure & Post Closure Maintenance Plan | <u>N/A</u> |
| <input checked="" type="checkbox"/> Notice of Exemption | <u>Dec. 5, 1996</u> | | |
| <input type="checkbox"/> Lease Agreements - owner and operator | <u>N/A</u> | <input checked="" type="checkbox"/> Addendum #1 to May 2, 1989 Contract Agreement | <u>May 16, 1989</u> |
| <input type="checkbox"/> Preliminary Closure/Post Closure Plan | <u>N/A</u> | | |
| <input type="checkbox"/> Closure Financial Responsibility Document | <u>N/A</u> | <input checked="" type="checkbox"/> Addendum #2 to May 2, 1989 Contract Agreement | <u>May 24, 1989</u> |
| <input checked="" type="checkbox"/> Statewide General Industrial Activities Storm Water Discharge Permit, ID #1B495006103 | <u>Oct. 24, 1992</u> | <input checked="" type="checkbox"/> Contract agreement - Operator Contract | <u>July 14, 1989</u> |
| <input checked="" type="checkbox"/> Notice of Intent for General Permit to Discharge Storm Water Associated with Industrial Activity, North Coast RWQCB Order #91-13-DWQ | <u>No date given</u> | <input checked="" type="checkbox"/> Amendment #1 to July 14, 1989 Contract | <u>Jan. 4, 1993</u> |

SOLID WASTE FACILITY PERMIT

Facility Permit Number:

49-AA-0245

16. Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

| Program | Reporting Frequency | Agency Reported To |
|--|---------------------|--------------------|
| 1. Monthly volume of both private and public vehicles using the site | Upon request | LEA |
| 2. Weight/volume of waste destined for disposal | Monthly | LEA |
| 3. Equipment down time | Upon request | LEA |
| 4. Waste water hauled | Upon request | LEA |
| 5. Number of recycle bins transported off site | Upon request | LEA |
| 6. Log of Special Occurrences. The operator shall maintain a daily log of special occurrences. These occurrences include: fires, property damage, accidents, explosions, incidents regarding hazardous wastes, or other unusual occurrences. | Upon request | LEA |
| 7. Results of bi-monthly hazardous materials screening inspections | Quarterly | LEA |

SOLID WASTE FACILITY
PERMIT

Facility/Permit Number:

49-AA-0245

17. LEA Conditions:

1. The design and operation of this facility must comply with all of the State Minimum Standards for Solid Waste Handling and Disposal.
2. The design and operation of this facility must comply with all Federal, State, and local requirements and enactments.
3. This permit supersedes the existing permit dated March 28, 1995.
4. Additional information concerning the design and operation of this facility must be furnished upon request of the enforcement agency.
5. This facility has an average daily loading of 195 tons per day and a peak loading design capacity of 450 tons per day.
6. This permit is subject to review by the enforcement agency, and may be suspended, revoked, modified, or revised at any time for sufficient cause.
7. The grey water tank must be emptied out and removed from the facility by a licensed septic tank pumper when the tank is 2/3 full.
8. All separated materials shall be placed in approved receiving containers.
9. Hazardous wastes recovered from the refuse shall be properly stored and removed from the premises by a hazardous waste hauler, not less than every 90 days. All elements of the Household Hazardous Waste Exclusion Program shall be operated in strict adherence to the requirements of the CCR Title 22, DHS guidelines SCDPW Generator ID Number CAD 983597527.
10. All refuse delivered to the facility is stored under roof and removed from the facility within 24 hours.
11. Recycling bins are removed when full or in less than 90 days.
12. All equipment and facility noise abatements referred to in the EIR shall be adhered to.
13. Wood and yard waste must be removed within 90 days, or when a receiving container is full, which ever occurs first. Yard waste shall be removed immediately if odors or other nuisance conditions exist.
14. Recycle bins used for holding tires, if not placed under the roof, must be covered during times of precipitation to prevent the potential for mosquito breeding.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 42

ITEM: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT
FOR CUMMINGS ROAD LANDFILL, HUMBOLDT COUNTY

I. COMMITTEE ACTION:

At the time this item was prepared, the Permitting and Enforcement Committee had not yet made a recommendation or decision on this item. Updated information from the time the Permitting and Enforcement Committee agenda item was prepared are reflected in this item by ~~strikeout~~ and underline. Attachment 3, Proposed Permit No. 12-AA-0005, page 1, "Permitted Tons Per Day", has been changed to specify the total amount of special waste that can be accepted.

II. BACKGROUND:

Facility Facts

| | |
|------------------------------------|--|
| Name: | Cummings Road Landfill Facility No. 12-AA-0005 |
| Facility Type: | Class III Landfill |
| Location: | South end of Cummings Rd; 2 miles southeast of the City of Eureka |
| Area Permitted: | 100 acres; 31 acre landfill |
| Setting: | Residential, Timber Production |
| Operational Status: | Active, 1978 Permit, operating under Notice and Order No. 97-01 |
| Tonnage Permitted: | 175 tons per day (tpd) |
| Tonnage Proposed: | 500 tpd |
| Capacity: | 3,449,667 cubic yards (cy) Design capacity of 3,449,667 cy; approximately 1,165,667 cy remaining (10/95); estimated closure in 2003 |
| Operator/Owner: | City Garbage Co. of Eureka, Inc., a subsidiary of Norcal Waste Systems, Inc., Michael Leggins, General Manager |
| Local Enforcement Agency (LEA): | Humboldt County Health Dept. Environmental Health Div. Dennis Kalson, Director |

Proposed Project:

The proposed permit is to allow for the following:

- ▶ Increase in tonnage from 175 tpd to 500 tpd
- ▶ Specify a maximum elevation of 550 feet above MSL
- ▶ Specify the allowable daily total number of vehicles
- ▶ Add sewage sludge, ash, non-friable asbestos, small dead animals, and fish waste
- ▶ Increase operating hours
- ▶ Change the closure date from 2007 to 2003
- ▶ Change landfill design
- ▶ Add environmental controls (drainage controls, liners, leachate collection and removal system, methane gas monitoring probes, collection and control system)

III. SUMMARY:

Site History

Cummings Road Landfill was originally operated as a burn dump in the 1930's. In 1969, the site was converted from a burn dump to a sanitary landfill. The Solid Waste Facility Permit was issued September 1978, and allows 175 tons of non-hazardous solid waste per day. To address permit terms and conditions violations, the LEA issued Notice and Order No. 92-02 to the operator on September 2, 1992. The Notice and Order was revised June 8, 1993 (No. 93-01) and April 11, 1996 (No. 96-01). Notice and Order 97-01 was issued on February 20, 1997 to establish the conditions of operation until a revised permit is issued and to address the violation of Title 14 of the California Code of Regulations (14 CCR), Section 17258.23(a)(2), methane gas concentration in excess of the lower explosive limit (LEL) for methane at the facility boundary. This violation was documented during quarterly monitoring of newly installed monitoring probes on November 1, 1996. Quarterly monitoring by the operator on February 3, 1997 measured methane concentrations exceeding the LEL at all of the gas monitoring probes. Notice and Order 97-01, in part, orders the operator to install a landfill gas collection system which shall be operational by October 30, 1997. Compliance with 14 CCR 17258.23(a)(2) is required July 1, 1998.

Facility Description

The landfill is located two miles southeast of the City of Eureka at the south end of Cummings Road. The majority of the land south, east, northeast and west of the site is forested and zoned Timber Production zone (TPZ). Residential areas extend up Pigeon Point

and Cummings Road to the north and northwest of the site. The nearest residence is located approximately 600 feet to the north of the site.

Municipal solid waste (MSW) from Humboldt County and incorporated cities is delivered to the landfill by local refuse collection services and commercial haulers. All vehicles delivering MSW must contain loads greater than 10 tons. The landfill is not open to the public. Loads of MSW under 10 tons and public self-haulers are directed to transfer stations and county container sites. Solid waste is either taken directly to the landfill or to the City Garbage Company Transfer Station in Eureka (where the majority of solid waste is handled) and then hauled to the landfill in transfer trucks. A small number of commercial and industrial vehicles transport waste directly to the landfill.

Waste received at the facility includes residential, commercial, municipal, construction, demolition, non-hazardous ash from wood-fired power plants, non-friable asbestos, fish waste, small dead animals, sludge, and tires.

Environmental Controls

The August, 1996 Report of Disposal Site Information adequately describes site environmental controls for litter, odors, dust, noise, gas, leachate, traffic, rodents, insects, fires and exclusion of hazardous waste.

Resource Recovery Programs

No salvaging, volume reduction or recycling is currently conducted at the landfill. Gravel, sand, rock and concrete are reused for on-site road and tipping pad construction, and soil is reused for daily or intermediate cover.

IV. ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities

Permit: Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facility Permit. Since the proposed permit for this facility was received on February 21, 1997, the last day the Board may act is April 22, 1997.

Board Staff have reviewed the permit application, proposed permit, Report of Disposal Site Information, and other supporting documentation and have found that the permit is acceptable for Board's consideration of concurrence. In making this determination the following items were considered:

| 12-AA-0005 | Accept- able | Unaccept- able | To Be Deter- mined | Not Applic- able | See Details in Agenda Item |
|--|-----------------|-------------------|--------------------------|------------------------|----------------------------------|
| CIWMP Conformance (PRC 50001) | X | | | | |
| CoSWMP Conformance (PRC 50000) | | | | X | |
| General Plan Conformance (PRC 50000.5) | | | | X | |
| Consistency with State Minimum Standards | X | | | | X |
| California Environmental Quality Act | X | | | | X |
| Closure/Post-Closure Maintenance Plan | X | | | | |
| Funding for Closure/Post-Closure Maintenance | X | | | | |
| Operating Liability | X | | | | |

In addition, Board staff offer the following analysis:

1. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The LEA, acting as Lead Agency, prepared a Negative Declaration (ND) and submitted it to the Governor's Office of Planning and Research (the State Clearinghouse) for distribution to responsible agencies for review and comment (SCH No. 95073076). Board staff provided comments on the environmental document on August 3, 1995. The document was adopted by the lead agency on August 21, 1995. After reviewing the environmental documentation for the project, Board staff have determined that the ND is adequate and appropriate for the Board's use in evaluating the proposed permit.

2. Compliance with State Minimum Standards

~~The LEA and Board staff will complete a pre permit inspection prior to the March 19, 1997 Permitting and Enforcement Committee meeting, and staff will update the Committee at that time. (See also page 1, Site History.)~~

The LEA and Board staff inspected the facility on March 5, 1997 and found it in compliance with State Minimum Standards, except for the violation of 14 CCR 17258.23 (>5% by volume as methane at the facility boundary). See page 1, Site History, for details regarding the Notice and Order issued by the LEA to the operator on February 27, 1997 to address this violation.

V. **STAFF RECOMMENDATION:**

Because a revised Solid Waste Facility Permit is proposed, the Board must either object to or concur with the proposed permit as

submitted by the LEA. Staff recommend that the Board adopt Permit Decision No. 97-27, concurring in the issuance of Solid Waste Facility Permit No. 12-AA-0005.

VI. ATTACHMENTS:

1. Location Map
2. Site Map
3. Proposed Permit No. 12-AA-0005
4. Permit Decision No. 97-93

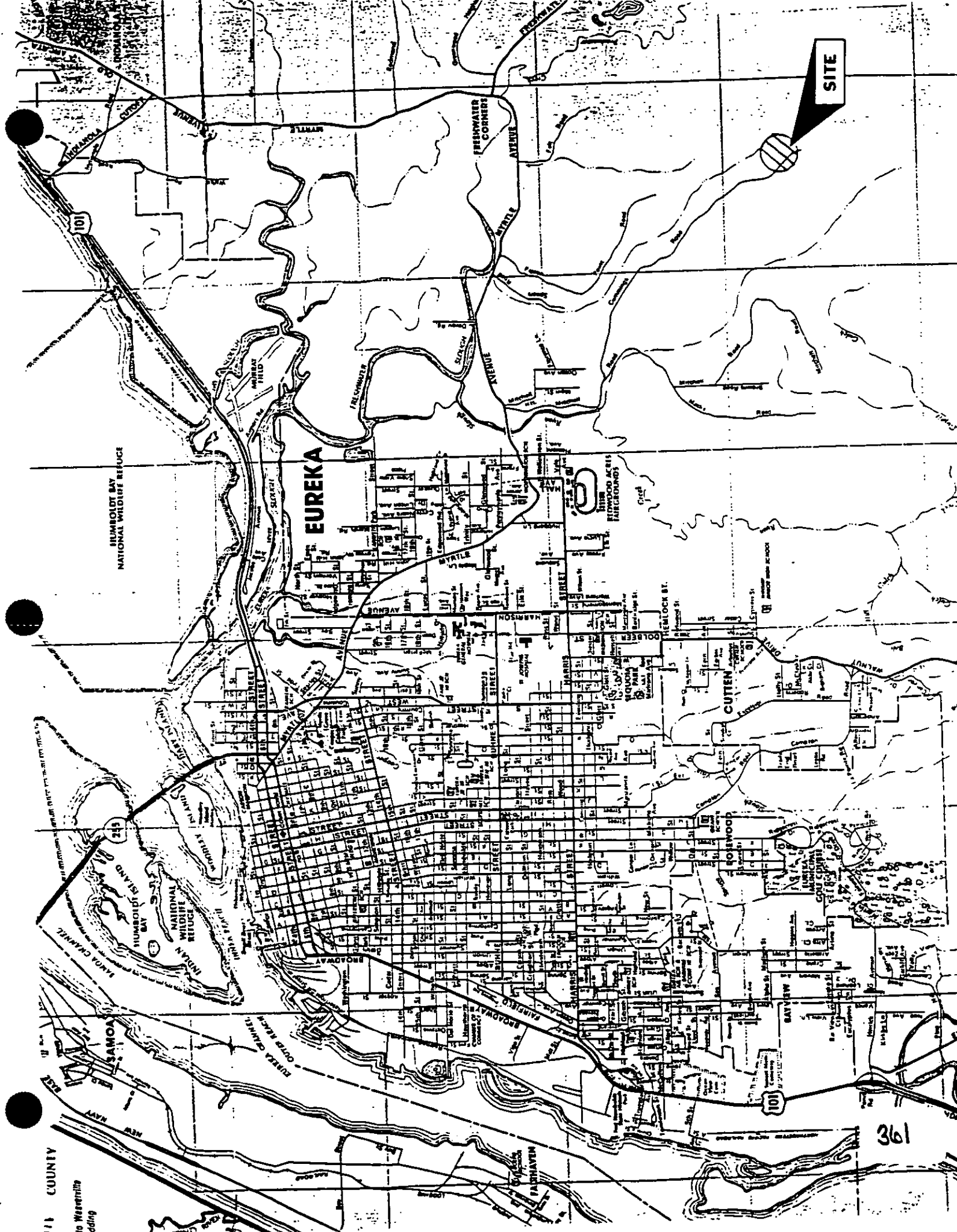
VII. APPROVALS:

Prepared By: ^{SB} Sadie Galos Phone: 255-4163

Approved By: ^{CB} Cody Begley/Don Dier, Jr. ^{3/13/97} Phone: 255-4165

Approved By: Dorothy Rice ^{D. Rice} Phone: 255-2431

Legal Review: Kathryn J. Dobier Date/Time: 3/13/97



SITE

EUREKA

HUMBOLDT BAY
NATIONAL WILDLIFE REFUGE

NATIONAL
WILDLIFE
REFUGE

111 COUNTY
to Waverly
-adding

361

ATTACHMENT 2

SOLID WASTE FACILITY PERMIT

1. Facility/Permit Number: 12-AA-0005

2. Name and Street Address of Facility:

Cummings Road Landfill
5775 Cummings Road
Eureka, CA 95503

3. Name and Mailing Address of Operator:

City Garbage Co. of Eureka, Inc.
949 West Hawthorne Street
Eureka, CA 95501

4. Name and Mailing Address of Owner:

City Garbage Co. of Eureka, Inc.
949 West Hawthorne Street
Eureka, CA 95501

5. Specifications:

a. Permitted Operations:

| | | | |
|-------------------------------------|-----------------------------------|--------------------------|-------------------------|
| <input type="checkbox"/> | Composting Facility (mixed waste) | <input type="checkbox"/> | Processing Facility |
| <input type="checkbox"/> | Composting Facility (yard waste) | <input type="checkbox"/> | Transfer Station |
| <input checked="" type="checkbox"/> | Landfill Disposal Site | <input type="checkbox"/> | Transformation Facility |
| <input type="checkbox"/> | Material Recovery Facility | <input type="checkbox"/> | Other: |

b. Permitted Hours of Operation:

Monday through Saturday 8:30 am to 8:30 pm (during periods of Standard Time)
Monday through Saturday 8:30 am to one hour before sunset (during periods of Daylight Savings Time)
Sundays Closed

c. Permitted Tons Per Operating Day:

Total: 500 Tons/Day maximum all waste categories
400 Tons/Day monthly average all waste

Non-Hazardous - Mixed municipal wastes and
demolition debris

500 Tons/Day maximum

Special wastes

200 Tons/Day special wastes combined total
and within limits of applicable special handling
procedures

■ Non-Hazardous sludge/septage (see
17.a.10.)

■ Ash (see 17.a.8.)

■ Fish wastes

■ Altered tires

■ Asbestos (see 17.a.11.)

d. Permitted Traffic Volume:

Maximum 81 Vehicles/Day

Transfer trucks

Maximum 28

Concrete, rock, soil, and asphalt trucks

Maximum 28

Other solid waste vehicles (ash, fish wastes,
septage, sludge, asbestos, tires)

Maximum 25

e. Key design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

| | Total | Disposal | Transfer | MRF | Composting | Transformation |
|--|-------|--------------|----------|-----|------------|----------------|
| Permitted Area (in acres) | 100 a | 31 a | NA | NA | NA | NA |
| Design Capacity (remaining as of October 1999) | | 1,165,667 cy | NA | NA | NA | NA |
| Total Design Capacity | | 3,448,667 cy | | | | |
| Max. Elevation (Ft. MSL) | | 550 ft | | | | |
| Lowest Depth of Waste (Ft. MSL) | | 200 ft | | | | |
| Estimated Closure Date (August 1998 RDS) | | July 2003 | | | | |

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Dennis Nelson, Director

7. Enforcement Agency Name and Address:

Humboldt County Health Department
Division of Environmental Health
100 H Street, Suite 100
Eureka, CA 95501

8. Received by CIWMB: February 21, 1997

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issue Date:

SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 12-AA-0005

12. Legal Description of Facility (map included in RDSI):

NE 1/4 S5, T4N, R1E HB&M; 2 mi SE of Eureka at the end of Cummings Road (Latitude: 40°46'00" Longitude: 124°05'30")

13. Findings:

- a. A County Integrated Waste Management Plan (CIWMP) was approved by the California Integrated Waste Management Board (CIWMB) on January 22, 1997.
- b. This permit is consistent with the CIWMP. Public Resources Code Section 50001.(a)(1).
- c. This permit is consistent with standards adopted by the CIWMB. Public Resources Code, Section 44010.
- d. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Humboldt County Division of Environmental Health (LEA) except for a violation of 14 California Code of Regulations Section 17258.23. (a)(2). The LEA has issued a Notice and Order No. 97-1, dated February 20, 1997, to the operator which requires compliance with 14 CCR Section 17258.23. (a)(2) and specifies compliance dates for the implementation of corrective actions.
- e. The California Department of Forestry (CDF), Humboldt Ranger Unit, has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151 (CDF letter and inspection report of 9/10/96).
- f. A Negative Declaration (SCH #95073076) was adopted on August 21, 1995, by the LEA acting as the lead agency. The environmental document and Notice of Completion was filed with the State Clearinghouse on July 7, 1995, for the facility pursuant to Public Resources Code, Section 21081.6.

14. Prohibitions:

The permittee is prohibited from accepting any hazardous, radioactive, medical, liquid, sludge, designated, or other wastes requiring special treatment or handling, except as identified in the Report of Disposal Site Information (RDSI) and as approved by the LEA and other federal, state, and local agencies.

The permittee may accept the following:

1. Non-hazardous wood ash.
2. De-watered sewage sludge from permitted sewage treatment plants.
3. Non-friable asbestos containing waste.
4. Fish wastes from the fish processing industry.
5. Small dead animals.
6. Properly altered waste tires.
7. De-watered domestic septic tank septage.

15. The following documents also describe and/or restrict the operation of this facility:

| | Date: | | Date: |
|--|---------------|--|----------------|
| [X] Report of Disposal Site Information | Aug. 1996 | [X] Solid Waste Disposal Agreement, between Humboldt County and operator | Sept. 12, 1978 |
| [X] Land Use Permits and Conditional Use Permits | Aug. 1979 | [X] Waste Discharge Requirements 93-46 | April, 1993 |
| [] Air Pollution Permits and Variances | | [] Local & County Ordinances | |
| [X] Negative Declaration | July 7, 1995 | [] Final Closure & Postclosure Maintenance Plans | |
| [] Lease Agreements - owner and operator | | [X] Amendment to RDSI | Dec. 26, 1996 |
| [X] Preliminary Closure/Post Closure Plan | Aug. 1994 | [X] Other (list): Toe Berm Stability Evaluation | Dec. 3, 1996 |
| [X] Closure Financial Responsibility Document | Nov. 18, 1996 | [X] Operating Liability | Nov. 18, 1996 |

SOLID WASTE FACILITY PERMITFacility/Permit Number:
12-AA-0005**16. Self Monitoring:****a. Results of all self-monitoring programs will be reported as follows:**

| Program | Reporting Frequency | Agency Reported To |
|---|--|------------------------|
| Maintain records of the types and quantities of solid wastes received and diverted, reported in tons/day. Daily records shall be available to the LEA upon request. Monthly summaries shall be completed and submitted. | Quarterly* | LEA |
| Maintain daily records of the type and number of vehicles using the facility per day. Daily records shall be available to the LEA upon request. Monthly summaries shall be completed and submitted. | Quarterly* | LEA |
| Results of water quality control monitoring, reporting, leachate disposal, remediation, and related programs as specified by Waste Discharge Requirements (WDRs) by the Regional Water Quality Control Board (RWQCB). | Quarterly/Annually* | LEA |
| Winter Operations Plan as specified by WDRs issued by the RWQCB. | Annually* | LEA |
| Results of the landfill gas monitoring program for on-site structures and facility property boundary. | Quarterly* | LEA |
| Topographic map showing all current fill locations and all cuts into native material for the previous year to the present date. | Annually* | LEA |
| Remaining refuse capacity and calculations report. | Annually* | LEA |
| Maintain records of the types and quantities of hazardous, infectious, radioactive, or prohibited wastes found during screening of incoming wastes and the disposition of these wastes. | N/A | Available upon request |
| Maintain a log of special, and/or unusual occurrences. | N/A | Available upon request |
| Hazardous materials business plan. | Annually or as required by California statute and regulation | HCDEH Hazmat Unit |

*reporting due by the 15th of the month following the end of the reporting period, or else when due as specified by the controlling regulatory agency

SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 12-AA-0005

17. LEA Conditions:

A. Requirements:

1. This facility shall comply with all state and local statutes and regulations for solid waste handling and disposal. The operator shall not operate this facility without possession of all required permits and regulatory approvals. The operator shall inspect the site at least once each day of operation to ensure compliance with all applicable standards/ conditions/ mitigation/ permits/ regulations.
2. The operator shall notify the LEA in writing [with proposed amendments to the Report of Disposal Site Information (RDSI)], at least one hundred twenty (120) days in advance of proposed significant changes (as determined by the LEA), in the design/operation of the facility to allow for early consultation, completion of all required documents/ due process review/ filing and the completion of all related permitting processes. Such notification shall also include, but not limited to, changes (including new additions) of: processing/ composting, bailing materials recovery facility (MRF)/ transfer station and/or transformation facility, changes in permitted hours/ days of operation, permitted tons/day per category, permitted traffic volumes/day per category, permitted total area, disposal footprint, maximum elevation, maximum depth of waste, and/or estimated closure year, which may be later proposed for this facility.
3. The operator shall maintain a copy of this permit at the facility so as to be available at all times to facility personnel and to regulatory agencies.
4. This SWFP is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.
5. The LEA reserves the right to suspend and/or modify operations at this facility when deemed necessary due to any emergency, potential health hazard, and/or public nuisance.
6. Additional information concerning the design and operation of this facility shall be furnished on request and within a time frame specified by the LEA.
7. The operator shall properly maintain all facility equipment and structures according to the manufacturer's specifications and good engineering/ maintenance practices.
8. The operator shall monitor the site in accordance with the landfill gas monitoring plan to ensure that methane gas concentrations do not exceed 25 percent of the lower explosive limit (LEL) within on-site structures and 100 percent of the lower explosive limit (LEL) at the facility property boundary. Quarterly monitoring shall be conducted according to the following schedule: January, April, July, and October. Results of monitoring shall be submitted by the 15th of the month following the month of the monitoring event.
9. The operator shall sufficiently wet ash to minimize the creation of dust during the landfilling processes and inform haulers disposing ash at the landfill of acceptance criteria that includes measures to minimize the creation of dust on Cummings Road as a result of hauling ash to the landfill. The LEA may require additional measures if necessary to control dust, and to reduce employee exposure to dust. Ash may not be stockpiled at the disposal site without prior written approval from the RWQCB and the LEA.
10. The operator may accept partially de-watered sludge from permitted municipal sewage treatment plants and de-watered domestic septic tank septage in quantities which maintain a daily minimum solid waste to sludge ratio of 5:1 by weight, or as specified by the RWQCB.
11. Non-friable asbestos-containing wastes (ACW) must be handled and disposed of in a manner consistent Cummings Road Landfill/City Garbage Company of Eureka asbestos acceptance policy, and with CIWMB/LEA policy and applicable minimum standards. Landfill personnel shall be trained in the proper handling and special disposal requirements of ACW. ACW shall be disposed of in a dedicated location in the landfill, and records of quantities and locations of disposal shall be kept in the facility operating records.
12. The operator shall comply with the hazardous waste screening program on page 78 and Appendix E Load Checking Program of the August 1996 RDSI.
13. The operator shall comply with the provisions of Health & Safety Code Chapter 6.5 (Hazardous Waste Control Law) and California Code of Regulations Title 22.
14. The operator has the responsibility to comply with CCR Title 8, Section 3203 (OSHA Regulations) in the development of an Illness & Injury Prevention Plan (IIPP) for the facility.
15. The operator has the responsibility to comply with all conditions and requirements contained in the Waste Discharge Requirements, Order No. 93-46, or any revised order(s), issued by the RWQCB.

SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 12-AA-0005

17. LEA Conditions continued:

B. Provisions:

1. By May 31, 1997, the operator shall submit an updated gas monitoring plan to incorporate recent changes and descriptive information regarding gas generation and air emissions as an amendment to the RDSI.
2. By May 31, 1997, the operator shall submit plans for the design and construction of a permanent landfill gas collection and control system, to the LEA, CIWMB, North Coast Unified Air Quality Management District, and RWQCB for review and comment.
3. By September 1, 1997, the operator shall submit an updated topographical map including, but not limited to, revisions to the gas probe monitoring network, accurate locations of facility property boundaries, and changes in the topography for the toe berm and groundwater diversion trench, as an amendment to the RDSI.
4. By October 31, 1997, the operator shall have an operational landfill gas collection and control system and submit an operation and maintenance procedures manual to the LEA, CIWMB, North Coast Unified Air Quality Management District, and RWQCB for review and comment.
5. By December 31, 1997, the operator shall revise and resubmit the August 1994 Preliminary Closure and Postclosure Maintenance Plans (Preliminary Plans) for a new completeness review pursuant to 14 CCR Section 18271. The Preliminary Plans shall address conditions at the site relevant to closure and postclosure, such as the areas of landfill gas monitoring and control, corrective action, and anticipated closure date, which have changed significantly since the original plans were submitted. The Preliminary Plans shall be submitted to the CIWMB, LEA, RWQCB, and the Humboldt County Department of Public Works Solid Waste Division. If the site is to cease receiving waste within two years, then Final Plans are due in lieu of Preliminary Plans.
6. This permit supersedes the solid waste facility permit 12-AA-0005 issued September 15, 1978.

[end of document]

California Integrated Waste Management Board
Permit Decision No. 97-93
March 26, 1997

WHEREAS, City Garbage Company of Eureka, Inc., owns and operates the Cummings Road Landfill; and

WHEREAS, the Humboldt County Division of Environmental Health, acting as the Local Enforcement Agency (LEA), identified significant changes that had occurred at the site in the permit review report dated July 19, 1995; and

WHEREAS, the LEA has submitted to the Board for its review and concurrence in, or objection to, a revised Solid Waste Facility Permit for the Cummings Road Landfill; and

WHEREAS, the LEA issued a Notice and Order on September 2, 1992, revised June 8, 1993 and April 11, 1996, to City Garbage Company of Eureka, identifying violations of permit terms and conditions, and requiring a permit revision; and

WHEREAS, the most recent joint CIWMB/LEA inspection, conducted on March 5, 1997 documented that the site is currently operating in compliance with State Minimum Standards for Solid Waste Handling and Disposal, except for violation of Title 14, California Code of Regulations (14 CCR), Section 17258.23(a)(2), Explosive Gases Control; and

WHEREAS, the LEA issued Notice and Order No. 97-01 to City Garbage of Eureka, Inc., dated February 20, 1997, indicating timelines for gas collection system installation and compliance with 14 CCR 17258.23(a)(2); and

WHEREAS, the LEA determined that the Solid Waste Facility Permit revision would include sewage sludge disposal; and

WHEREAS, the North Coast Regional Water Quality Control Board issued Waste Discharge Requirements, Order 93-46, on April 22, 1993, which allows the operator to dispose of sewage sludge; and

WHEREAS, the LEA prepared a Negative Declaration in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, staff have determined that the Negative Declaration is appropriate for the Board's consideration of concurrence with the issuance of the proposed permit; and

WHEREAS, the proposed permit is consistent with the project description in the CEQA document; and

WHEREAS, the Board finds that all State and local requirements for the proposed permit have been met, including consistency with Board standards, and conformance with the County Integrated Waste Management Plan, and

WHEREAS, the Board finds that all of the State requirements for the proposed permit have been met.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 12-AA-0005.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 43

ITEM: CONSIDERATION OF A NEW MAJOR WASTE TIRE FACILITY PERMIT
FOR MODESTO ENERGY LIMITED PARTNERSHIP (MELP),
STANISLAUS COUNTY.

BACKGROUND:

Facility Facts (Application)

| | | |
|------------------------------|---|---|
| Name: | Modesto Energy Limited Partnership Facility No. 50-TI-0180 | |
| Facility Type: | Major Waste Tire Facility | |
| Location: | Westley | |
| Area: | Stanislaus County | |
| Setting: | Rolling hills, surrounding area is open range | |
| Operational Status: | Active | |
| Proposed Permit Capacity: | 4,000 tons | Sum of Whole Waste Tires and Tire Equivalents Stored at any Time. |
| Proposed Permit Area: | 1 acre | |
| Operator/Owner: | United American Energy Corp./Edward Filbin | |
| Enforcement Agency: | California Integrated Waste Management Board | |

Proposed Project

This item regards the issuance of a Major Waste Tire Facility (WTF) Permit to authorize Modesto Energy Limited Partnership (MELP) to receive and store waste tires on the Tire Delivery Area at its Westley facility.

SUMMARY:

Site History

Approximately 30 years ago Mr. Edward Filbin, a private landowner in the western foothills of Stanislaus County near Interstate Highway 5 in Westley, began accumulating waste tires discarded by persons in the area. Tires were collected in a canyon environment. The assumption was that someday waste tires would become a valuable resource. Mr. Filbin's business evolved into a waste tire pick-up service, serving businesses throughout the state. Estimates of the number of waste tires in the stockpile ranged as high as 40 million.

In 1985 Oxford Energy became a partner in the Modesto Energy Limited Partnership (MELP) which acquired the rights to a European technology for burning waste tires to produce electricity. MELP entered into an agreement with General Electric and Mr. Filbin to site a waste tire-to-energy facility at the Westley site. The undertaking involved the construction of a \$41 million tire incinerator to generate 14 megawatts of electricity for sale to Pacific Gas and Electric. The facility would burn approximately 15,000 waste tires per day, seven days a week (about 5 million waste tires a year). The facility was permitted in 1988 by the Stanislaus County Air Pollution Control District.

In 1987 Ecology Action Educational Institute Inc., et al., filed a law suit against Edward Filbin, et al., in the Stanislaus County Superior Court claiming that the Filbin waste tire stockpile was a public nuisance. This lawsuit resulted in a Stipulation and Judgement for Dismissal which settled the "Attorney General/Ecology Action litigation." This stipulated agreement established a schedule for reducing the size of the waste tire stockpile.

In late 1992/early 1993 Oxford Energy declared bankruptcy. As a result, UAE Energy Operations Corporation (UAE) was assigned as the asset manager of MELP. Oxford Tire Recycling, a subsidiary of Oxford Energy, continued managing the waste tire stockpile and the waste tire collection business.

In June of 1994 Oxford Tire recycling (OTR) as the operator and owner of the waste tire stockpile applied to the Board for a Major Waste Tire Facility Permit.

At the March 28, 1996, Board Meeting the Board approved a Major Waste Tire Facility Permit for Oxford Tire Recycling, Inc. This permit did not include the area known as the Tire Delivery Area

where waste tires are loaded into hoppers for conveyance to the tire-to-energy plant.

Project Description

MELP's Waste Tire Facility is located in Westley, California, near Interstate Highway 5. MELP seeks a Major Waste Tire Facility Storage Permit to store up to 4,000 tons of whole waste tires in the Tire Delivery Area, that have been collected from businesses utilizing trailers. MELP currently removes waste tires from OTR's permitted stockpile which are then loaded onto the hoppers/conveyor for transport to the waste tire-to-energy facility. In the past OTR unloaded waste tires both in the Delivery Area and its waste tire stockpile.

MELP intends to have independent haulers deliver tires to the permitted area. MELP will move waste tires from the Tire Delivery Area to the hopper/conveyor system for delivery to the waste tire-to-energy facility.

Environmental Controls

Fire Prevention Measures - MELP has referenced the PD-91 Fire Protection Agreement in their Operation Plan in lieu of compliance with certain technical standards specified in Section 17351(c) of the Regulations. The Regulations allow for this substitution in Sections 17351(d). The County of Stanislaus, the West Stanislaus County fire Protection District, Edward Filbin, and MELP are parties to this agreement. This agreement was amended in 1995.

Vector Control Measures - The Turlock Mosquito Abatement District recommended that any vector control measures be waived at this time.

Facility Access and Site Security - MELP has perimeter fencing and locked gates. An attendant is present 24 hours a day, seven days a week. Access roads will accommodate emergency vehicles.

Storage of Waste Tires - The configuration of the stockpile does not conform to the requirements contained in the Waste Tire Storage and Disposal Standards contained in Article 5.5 of the State Minimum Standards for Solid Waste Handling and Disposal. The Waste Tire Storage and Disposal Standards, section 17354(c), allows the local fire authority having jurisdiction over a facility to set stockpile configuration and spacing requirements different from those specified in section 17354(a) and (b). Section 17354(e) requires approval by the local fire authority of mitigating measures if waste tires at an existing facility are

stored on surfaces with grades that will interfere with fire fighting equipment or personnel. The amended PD-91 Fire Protection Agreement satisfies Sections 17354(c) and (e).

ANALYSIS:

Requirements for Issuance of a Major Waste Tire Facility Permit

MELP submitted an application for a new Major Waste Tire Facility Permit to the Board on September 23, 1996, in accordance with California Code of Regulations Section 18423(a). On October 22, 1996, Board staff rejected the application as being incomplete. On February 14, 1997, MELP resubmitted their application in response to staff's October 22 letter. The application was again rejected for incompleteness on February 28, 1997. On March 13, 1997, MELP submitted additional information concerning their application. On March 14, 1997, staff requested clarification regarding some of the latest information submitted. On March 18, 1997, Board staff deemed MELP's application complete.

Pursuant to Title 14 of the California Code of Regulations, Section 18425(a), Board staff has 180 calendar days from the date the application is deemed complete to recommend approval of a Major or Minor Waste Tire Facility Permit or to recommend denial before the Board. The 180 calendar days will expire on September 14, 1997.

Key Issues

Proposed Permit Area

MELP's application is for the permitting of approximately 1 acre, known as the Tire Delivery Area. This 1 acre is a leasehold that MELP has acquired in the area of the hoppers and tire feed conveyor.

Proposed Permit Capacity

MELP has applied for the storage of 4,000 tons of waste tires.

Closure Costs

Section 18431 of the Regulations requires the applicant for a new major waste tire facility permit to submit a completed Closure Plan as part of their application. The Closure Plan (form CIWMB 504 (10/92) requires that the operator provide a written estimate of the cost of hiring a third party to close the major waste tire facility in accordance with Part C of the Closure Plan. The closure cost estimate is the sum of the costs for transportation, loading, administration, and security, plus any destination

charges. This total cost is then multiplied by a factor of 1.2 (20 percent contingency).

MELP's March 13 submittal included a total closure cost estimate of \$200,000 for shredding on site and hauling to Keifer Landfill. On March 19 staff met with representatives of MELP to discuss their closure costs. On March 20 MELP submitted a new estimate for disposal at Keifer Landfill (Option B), as well as, an additional option for transporting whole tires to Wenbury Environmental Company (Wenbury) in Merced (Option A). These two closure cost estimates are presented in Attachment 2. MELP's new estimates for Keifer Landfill and Wenbury are \$243,770 and \$196,680, respectively.

Section 18441 of the Regulations states that in closing a waste tire facility, waste tires must be removed to a destination facility(s) approved by the Board in the Closure Plan. Destination facilities eligible for approval by the Board shall include one or more of the methods delineated in section 42821(b) of the Public Resources Code, including pyrolysis; shredding and landfilling; energy production through incineration, etc. Short of Board approval at the time of closure, the use of Keifer Landfill is consistent with section 42821(b). In addition, staff has evaluated the cost estimate for the disposal at Keifer landfill of \$243,770, and has found the cost estimate to meet the closure requirements of Article 6 of the Waste Tire Facility Regulations.

Staff does not believe, however, that the use of a storage facility, such as Wenbury, is acceptable for determining the closure cost. Storage is not one of the methods presented in PRC section 42821(b). Section 18441 of the Regulations does allow for intermediate storage of waste tires for up to 90 days with documentation of the final method of disposal. Although intermediate storage is allowed during the final closure, staff does not believe that a storage facility should be used for the basis for estimating closure cost.

If MELP's closure cost is based on disposal at Keifer Landfill and the actual cost of closure is less, the excess money in the closure fund will be released to MELP upon Board approval of the closure of the major waste tire facility. This cost savings could be due to using an intermediate storage facility, as long as the final disposition of the waste tires complies with Section 18441 and is approved by the Board.

Financial Assurance

Title 14, California Code of Regulations (CCR), Division 7, Chapter 6, Article 9, "Financial Assurance Requirements for Closure of a Major Waste Tire Facility", requires operators of major waste tire facilities to demonstrate adequate financial ability to conduct closure activities. The financial assurance demonstration presented for this facility is a Trust Agreement (Agreement). The Agreement meets the requirements of 14 CCR, section 18474. MELP has deposited \$200,000 into the trust fund to cover the closure cost estimate for the facility as proposed by MELP. When the cost estimate is approved and the Agreement is funded to equal the approved estimate, the Agreement will meet the requirements of 14CCR, Section 18474.

14 CCR, Division 7, Chapter 6, Article 10, "Financial Responsibility for Operating Liability Claims of Major Waste Tire Facilities", requires operators of major waste tire facilities to demonstrate adequate financial ability to compensate third parties for bodily injury and property damage caused by facility operation. The financial responsibility demonstration presented for this facility is a Certificate of Liability Insurance (Certificate). The Certificate assures primary coverage of \$2,000,000 annual aggregate for the facility. The Certificate meets the requirements of 14 CCR, section 18491.

FINDING

Staff have reviewed the application and supporting documentation and have found that the application is in compliance with Chapter 6 of Title 14 of the California Code of Regulations. In making this determination the following items were considered:

1. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency unless the project is for the permitting of an existing waste tire facility which complies with Public Resources Code Section 42812.

There has been no substantial change in the design or operation of the facility between January 1, 1990 and the date the application was filed. Therefore, Division 13 of the Public Resources Code commencing with section 21000 does not apply to the issuance of a Major Waste Tire Facility Permit for the subject facility, pursuant to PRC section 42812. Hence the CEQA requirements are met.

2. Consistency with State Minimum Standards and the Operation Plan

Sections 17351(d) and 17354(c) of the Waste Tire Storage and Disposal Standards contained in Article 5.5 of the State Minimum Standards for Solid Waste Handling and Disposal allows the local fire authority having jurisdiction over a facility to set fire prevention measures and stockpile configuration and spacing requirements different from those specified in the Regulations. The Standards also require approval by the local fire authority of mitigating measures if waste tires at an existing facility are stored on surfaces with grades that will interfere with fire fighting equipment or personnel. The new PD-91 Fire Protection Agreement approved by the West Stanislaus County Fire Protection District satisfies the above requirements.

3. Reduction/Elimination Plan

The Closure Plan submitted by the operator satisfies the requirement for the Reduction/Elimination Plan.

4. Emergency Response Plan

The Emergency Response Plan submitted by the operator has been reviewed by staff and has been determined to meet the Major Waste Tire Facility Permitting requirements of 14 CCR 18434.

5. Closure Plan

The Closure Plan submitted by the operator for disposal at Keifer Landfill at a cost of \$243,770 (Option B) has been reviewed by staff and has been determined to meet the Major Waste Tire Facility Permitting requirements.

6. Financial Assurance

California Code of Regulation (CCR) Section 18431(g) requires major waste tire facility operators to comply with financial assurance requirements of 14 CCR Article 9 (Closure) and Article 10 (Operating Liability). MELP has met the requirements for operating liability; the financial assurance requirements for closure costs of \$243,770 will be met when the original Trust Agreement and documentation of a current market value of \$243,770 are received by the Board.

STAFF RECOMMENDATION:

The Major Waste Tire Facility Permit application for MELP, Facility No. 50-TI-0180, was deemed complete on March 18, 1997. A detailed review and pre-permit inspection of the site has been performed by Board staff. The design and operation of MELP's facility has been determined to comply with the Board's Waste Tire Storage and Disposal Standards. The closure cost in the Closure Plan of \$243,770 for disposal at Keifer Landfill meets the closure requirements in the Regulations. The financial assurance requirements for closure costs of \$243,770 will be met when the original Trust Agreement and documentation of a current market value of \$243,770 are received by the Board.

Staff, therefore, recommends that the Board adopt Permit Decision No. 97-94 for the issuance of Major Waste Tire Facility Permit No. 50-TI-0180 to Modesto Energy Limited Partnership.

ATTACHMENTS:

1. Site Map
2. Closure Cost Estimates
3. Permit Decision No. 97-94
4. Draft Permit

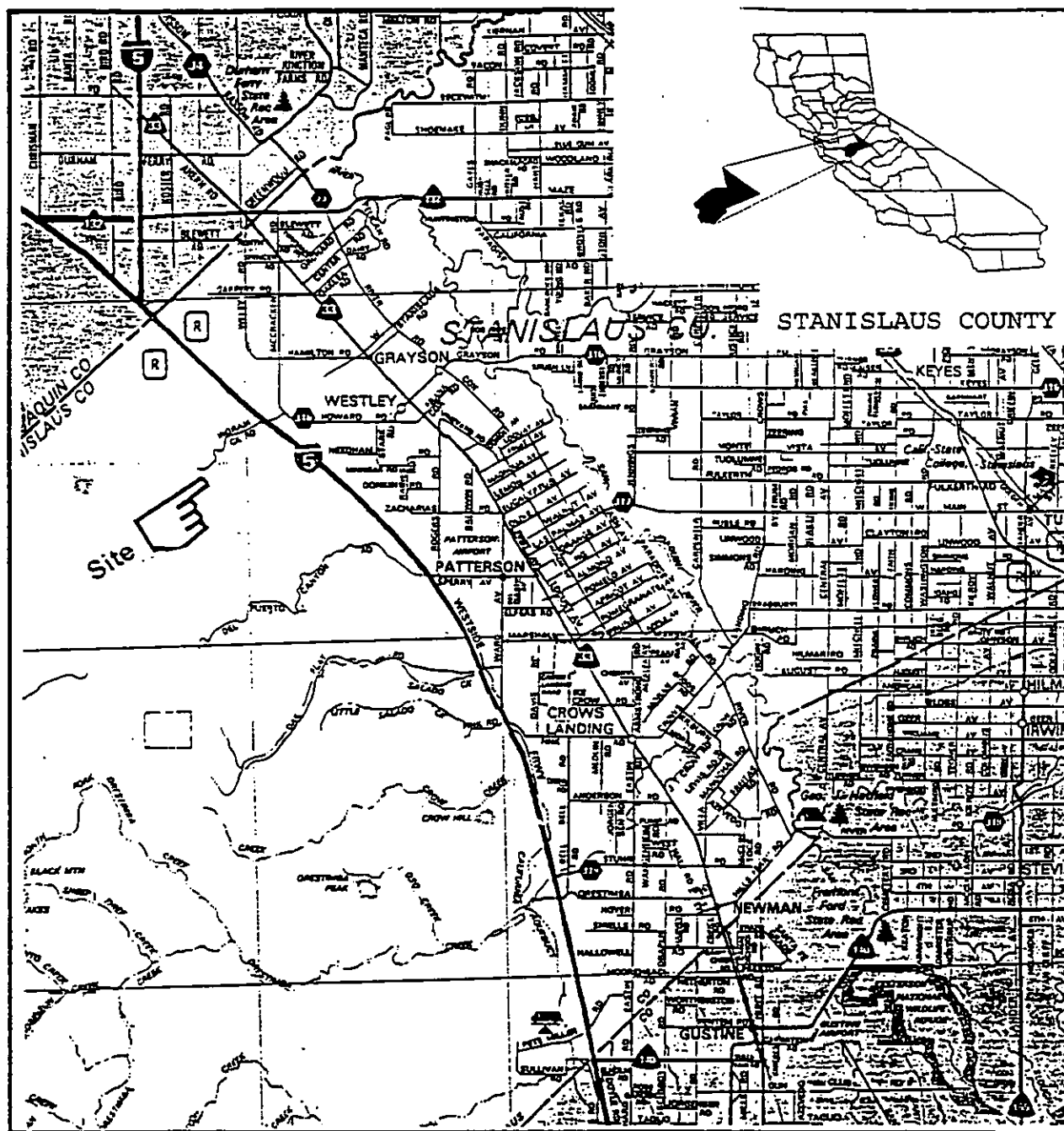
Prepared by: Tom Micka *TM* Phone: 255-2361

Reviewed by: Don Dier/Garth Adams *DD 3/24/97* Phone: 255-2453

Approved by: Dorothy Rice *Dorothy Rice 3/24/97* Phone: 255-2431

Legal Review: Legal *Kathryn J. Dobier* Phone: 255-2207 ²⁸²⁵

MELP WASTE TIRE SITE WESTLEY, CALIFORNIA



Sec 28

T 4 N

R 6 E

Modesto Energy Limited Partnership Tire Site
4549 Ingram Creek Road
Westley, California
Stanislaus County

↑
N

PART A: CLOSURE COST ESTIMATE - OPTION A

The Option A closure cost estimate is based upon transportation of whole tires to the Wendbury Environmental Company, Ltd. located at 2047 Grogan Avenue, Merced, CA 95340 (209-385-8570).

| | |
|---|------------------|
| Disposal cost of whole tires (includes unloading, see attached quote): | \$100,000 |
| Transportation Cost (assumes 200 loads @\$60/hour, for 3 hours based on 55 highway miles between facilities): | \$36,000 |
| Loading cost assumes loader rental from US Rents at \$6000 per month and a qualified operator at \$35/hour, see attached invoices for previous costs paid by MELP): | <u>\$13,000</u> |
| Subtotal: | \$149,000 |
| Administrative cost @ 10%: | <u>\$14,900</u> |
| Subtotal: | \$163,000 |
| Adding 20% contingency: | <u>\$32,700</u> |
| Total: | <u>\$196,680</u> |

This estimate assumes that an outside party will be brought in to load tires on the Tire Delivery Area. This cost can remain relatively low due to the following: 1) tires in the Delivery Area are stored on flat ground and easily accessible, 2) there is sufficient space to maneuver loading equipment, and 3) there is an existing road next to the tires which would facilitate loading and truck traffic.

In the event the facility is permanently shutdown, existing security personnel will necessarily have to remain in place in order to complete other facility closure requirements such as pond closure and general dismantlement. Therefore, there will be no need for outside security costs. MELP, in conjunction with its lenders, has set aside money to be used in the event of plant closure, including security provisions.

PART A: CLOSURE COST ESTIMATE - OPTION B

The Option B closure cost estimate is based upon transportation of shredded tires to the Kiefer landfill located at 12701 Kiefer Boulevard in Sacramento, CA (916-363-5330).

| | |
|--|------------------|
| Disposal cost of shredded tires (see attached cost sheet) : | \$84,000 |
| Transportation Cost (assumes 200 loads @\$60/hour, 180 miles round trip, 4.5 hours): | \$54,000 |
| Shredding and loading cost (per quote from M B Opportunities): | <u>\$46,670</u> |
| Subtotal: | \$184,670 |
| Administrative cost @ 10%: | <u>\$18,470</u> |
| Subtotal: | \$203,140 |
| Adding 20% contingency: | <u>\$40,630</u> |
| Total: | <u>\$243,770</u> |

This estimate assumes that an outside party will be brought in to shred and load tires on the Tire Delivery Area for approximately \$12/ton. This cost can remain relatively low due to the following: 1) tires in the Delivery Area are stored on flat ground and easily accessible, 2) there is sufficient space to maneuver loading equipment, and 3) there is an existing road next to the tires which would facilitate loading and truck traffic.

In the event the facility is permanently shutdown, existing security personnel will necessarily have to remain in place in order to complete other facility closure requirements such as pond closure and general dismantlement. Therefore, there will be no need for outside security costs. MELP, in conjunction with its lenders, has set aside money to be used in the event of plant closure, including security provisions.

California Integrated Waste Management Board
Permit Decision No. 97-94
March 26, 1997

WHEREAS, Approximately 30 years ago discarded waste tires were being accumulated by a private landowner in the western foothills of Stanislaus County. This business evolved into a waste tire pick-up service, serving businesses throughout the state; and

WHEREAS, Estimates of the number of waste tires in the waste tire stockpile ranged as high as 40 million; and

WHEREAS, In 1985 Oxford Energy became a partner in the Modesto Energy Limited Partnership (MELP) which acquired the rights to technology for burning waste tires to produce electricity. MELP entered into an agreement to site a waste tire-to-energy facility at the Westley site. The facility was permitted in 1988 by the Stanislaus County Air Pollution Control District; and

WHEREAS, In late 1992/early 1993 Oxford Energy declared bankruptcy. As a result, UAE Energy Operations Corporation (UAE) was assigned as the asset manager of MELP. Oxford Tire Recycling, a subsidiary of Oxford Energy, continued managing the waste tire stockpile and the waste tire collection business; and

WHEREAS, Oxford Tire Recycling, Inc., (OTR) has been issued a Major Waste Tire Facility Permit (No. 50-TI-0010) for the waste tire stockpile, with one exception being the approximate one acre area known as the "Tire Delivery Area" located in the vicinity of the hoppers/conveyor system that supply fuel to the tire-to-energy facility; and

WHEREAS, MELP submitted an application for a new Major Waste Tire Facility Permit to the CIWMB on September 23, 1996 for the Tire Delivery Area. MELP was required to submit additional information before the application could be deemed complete. The application was deemed complete on March 18, 1997; and

WHEREAS, There has been no substantial change in the design or operation of the facility between January 1, 1990 and the date the application was filed and pursuant to Public Resources Code Section 42818 no environmental review is necessary; and

WHEREAS, CIWMB staff reviewed the application and inspected the facility for consistency with the standards adopted by the CIWMB; and

WHEREAS, the Waste Tire Storage and Disposal Standards of the State Minimum Standards for Solid Waste Handling and Disposal

allows the local fire authority having jurisdiction over a facility to set fire prevention measures and stockpile configuration and spacing requirements different from those specified in the Regulations. The Standards also require approval by the local fire authority of mitigating measures if waste tires at an existing facility are stored on surfaces with grades that will interfere with fire fighting equipment or personnel. A new PD-91 Fire Protection Agreement approved by the West Stanislaus County Fire Protection District satisfies the above requirements; and

WHEREAS, The closure cost of \$243,770 in the Closure Plan (Option B) meets the requirements of Article 6 of the Waste Tire Facility Permitting Regulations; and

WHEREAS, The financial assurance demonstrations for closure costs and operating liability associated with this facility meet the requirements of Articles 9 and 10 of the Waste Tire Facility Permitting Regulations.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board finds that the application is in compliance with the requirements for a Major Waste Tire Facility Permit and, therefore, recommends issuance of a Major Waste Tire Facility Permit to Modesto Energy Limited Partnership, No. 50-TI-0180.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

WASTE TIRE FACILITY PERMIT

1. Facility/Permit Number:

50-TI-0180

2. Name and Street Address of Facility:

Modesto Energy Limited Partnership
a.k.a., MELP
4549 Ingram Creek Road
Westley, CA 95387

3. Name and Mailing Address of Operator:

UAE Energy Operations Corporation
2420 Camino Ramon, Suite 101
San Ramon, CA 94583

4. Name and Mailing Address of Owner:

Edward and Mary Etta Filbin
c/o Nomellini & Grilli
P.O. Box 1461
Stockton, CA 95201

5. Specifications:

a. Permit Type:

☒ Major Waste Tire Facility ☐ Minor Waste Tire Facility
DRAFT

b. Permit Action:

☒ New Permit ☐ Five (5) Year Permit Renewal
☐ Permit Modification ☐ Permit Revision

c. Facility Status:

☒ Existing ☐ Proposed

d. Permitted Capacity:

4,000 Total Number of Tons of Whole Waste Tires and Tire Equivalents Stored at any Time.

e. Permitted Storage Area (acres):

.....1.....

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator or owner, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued waste tire facility permits.

Approval:

Authorized Officer of CIWMB

Name

Title

7. Enforcement Agency Name and Address:

California Integrated Waste Management
Board
8800 Cal Center Drive
Sacramento, CA 95826
Frequency of Inspection by Enforcement Agency:
Annually

8. Date Application Received:

March 17, 1997

9. Date Application Deemed complete:

March 18, 1997

10. Permit Issued Date:

11. Permit Application Renewal due Date:

12. Expiration Date:

WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

50-TI-0180**13. Legal Description of Facility:**

Latitude 37°33'N Longitude 121°18'W Solyo USGS Quad Section 28, Township 4S, Range 6E, Assessor's parcel number 161809 of County designated PD-91 leasehold as of September 1, 1995. The waste tire facility, MELP (Tire Delivery Area), is defined as areas E2 and F2 in the November 2, 1995, report entitled Oxford Scrap Tire Site Volume Study, Westley, California, prepared by Psomas and Associates

DRAFT**14. Findings:**

- a. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB).
- b. The design and operation of the facility is in compliance with the Waste Tire Storage and Disposal Standards applicable to waste tire facilities.
- c. There has been no substantial change in the design or operation of the facility between January 1, 1990 and the date the application was filed. Therefore, in accordance with Public Resources Code Section 42812, an environmental review was not performed for the issuance of this waste tire facility permit.

15. The following documents also describe and/or restrict the operation of this facility:

| | Date | | Date |
|--|----------|--|----------|
| <input checked="" type="checkbox"/> Application for Waste Tire Facility Permit | 3/17/97 | <input type="checkbox"/> Contract Agreements | |
| <input type="checkbox"/> Land Use Permits and Conditional Use Permits | | <input checked="" type="checkbox"/> Operation Plan | 3/17/97 |
| <input type="checkbox"/> Air Pollution Permits and Variances | | <input type="checkbox"/> Local & County Ordinances | |
| <input checked="" type="checkbox"/> EIR or Negative Declaration | 4/17/96 | <input checked="" type="checkbox"/> Environmental Information Form | 3/17/97 |
| <input checked="" type="checkbox"/> Lease Agreements - owner and operator | 12/28/85 | <input checked="" type="checkbox"/> Emergency Response Plan | 3/17/97 |
| <input checked="" type="checkbox"/> Closure Plan | 3/17/97 | <input checked="" type="checkbox"/> Reduction/Elimination Plan | 3/17/97 |
| <input checked="" type="checkbox"/> Closure Financial Responsibility Document | 3/13/97 | <input checked="" type="checkbox"/> Operating Liability Document | 10/15/96 |
| <input checked="" type="checkbox"/> Local Fire Authority Agreement | 8/25/95 | <input type="checkbox"/> Other (list): | |
| <input checked="" type="checkbox"/> Vector Control Agreement | 1/13/95 | | |

16. Conditions:

1. The design and operation of the facility shall comply with both the Waste Tire Storage and Disposal Standards contained in Article 5.5 of the State Minimum Standards for Solid Waste Handling and Disposal and the 1995 PD-91 Fire Protection Agreement. In the event there is a conflict with regard to an issue addressed in both of the above documents, the PD-91 Fire Protection Agreement will take precedence. The permittee shall also comply with all of the permitting requirements in Title 14, California Code of Regulations, Division 7, Chapter 6, entitled "Permitting of Waste Tire Facilities."
2. In the event of a fire or other emergency that may have potential significant off-site effects, the permittee shall notify the CIWMB by telephone call to the Deputy Director, Permitting and Enforcement Division, at (916) 255-2431, within 24 hours of the onset of the emergency.
3. Upon presentation of proper credentials, the Local Enforcement Agency, CIWMB staff, or an authorized agent of the CIWMB, shall be allowed to enter the permitted facility during normal operating hours to examine and copy books, papers, records, or memorandum, to take photographs of the tire storage area, and to conduct inspections and investigations pertaining to the facility.

WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

50-TI-0180

Conditions: (continued)

DRAFT

4. Upon request, a copy of the current permit shall be made available to the CIWMB or an authorized employee or agent of the CIWMB during an inspection of the facility.
5. The permittee shall maintain a copy of the approved Emergency Response Plan at the facility. At the time of permit issuance the permittee shall forward a copy of the approved Emergency Response Plan to the local fire authority. The Emergency Response Plan shall be revised as necessary to reflect any changes in the operations of the waste tire facility or requirements of the local fire authority. All emergency phone numbers shall be updated immediately. The local fire authority and the CIWMB shall be notified of any changes to the plan within 30 days of the revision.
6. All federal, state, and local permits or approvals referenced in this permit shall be maintained in force during the term of the permit. In the event any permit or approval is modified during the term of the permit, the permittee shall notify the CIWMB in writing within 30 days of the change and include copies of any renewed or modified permits or approvals. In the event any permit or approval is suspended or revoked, or expires during the term of the permit, the permittee shall notify the CIWMB in writing within 5 working days of the suspension, revocation or expiration, and include copies of the pertinent documents with the notification.
7. The permittee shall submit to the CIWMB an updated Closure Plan (Part B), Form CIWMB 504 (10/92) as specified in section 18442 of the California Code of Regulations, at least 120 days prior to the anticipated closure of the facility.
8. In the event of an unscheduled permanent closure, the permittee shall implement the most recently approved closure plan within 30 days of ceasing facility operations.
9. The permittee shall file amendments to the Operation Plan whenever necessary to keep the information contained in it current.
10. This permit does not release the permittee from their responsibility under any other existing laws, ordinances, regulations, or statutes of other government agencies.
11. The terms and conditions of this permit may change as a result of a revision of the CIWMB's statutes or regulations.
12. The financial responsibility requirements in this permit do not limit the liability of the permittee of this facility.
13. The permittee must notify the CIWMB of receipt of waste tires from unregistered haulers within 48 hours of delivery. Section 18461 of Title 14 of the California Code of regulations identifies the information required to be reported to the CIWMB.
14. The permittee shall notify the CIWMB in writing no less than 30 calendar days prior to MELP's intended permanent closure. MELP shall cease accepting deliveries of all waste tires to the waste tire facility no less than 30 calendar days prior to MELP's intended permanent closure. The permittee must eliminate the stockpile of waste tires prior to permanent closure of MELP.
15. The permittee shall notify the CIWMB in writing no less than 10 working days prior to any negotiated or scheduled shut down of the MELP facility, other than permanent closure, if the shut down is anticipated to be equal to or greater than two weeks in duration.
16. The permittee shall notify the CIWMB in writing within 24 hours in the event that MELP is shut down for reasons other than a negotiated or scheduled shut down, if the shut down is reasonably expected to have a duration equal to or greater than two weeks.
17. If MELP ceases operations for more than 60 days, the permittee must eliminate the stockpile of waste tires within 90 days of MELP's cessation of operations.

WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

50-TI-0180

16. Conditions: (continued)

DRAFT

18. The waste tire facility boundaries shall be clearly delineated and permanently marked to ensure the ability to readily differentiate the waste tire facility from the adjacent areas. Effective permanent markers shall be placed at the boundaries of the waste tire facility within 10 days of issuance of this permit. The design of the permanent markers shall be determined in consultation with CIWMB staff.

19. The permittee shall prepare a facility status report identifying the current size of the waste tire stockpile, financial assurances for the facility, a report on the progress of negotiations with Pacific Gas & Electric and MELP's forecast of the continued operation of the MELP facility beyond September 1997. The facility status report will be prepared for presentation at the CIWMB Permitting and Enforcement Committee's August 1997 meeting. MELP's facility status report may be considered by the CIWMB during August 1997. Future updates beyond August 1997 shall be prepared by the permittee as directed by the CIWMB Permitting and Enforcement Committee.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 45

ITEM: CONSIDERATION OF SITE(S) FOR REMEDIATION UNDER THE
WASTE TIRE STABILIZATION AND ABATEMENT PROGRAM

I. COMMITTEE ACTION

As of the date that this item went to print, the Permitting and Enforcement Committee had not made a recommendation or decision on this item.

II. SUMMARY

Implementation of the Waste Tire Stabilization and Abatement Program was approved by the Board on August 31, 1994. Public Resources Code (PRC) section 42846 authorizes the Board to expend money from the California Tire Recycling Management Fund to perform any cleanup, abatement, or remedial work required to prevent substantial pollution, nuisance, or injury to the public health or safety at waste tires sites where responsible parties failed to take appropriate action as ordered by the Board. The Board has approved an \$800,000 contract (1994/95 fiscal year encumbrance) for the stabilization and abatement of illegal waste tire sites.

The site being considered for remediation efforts is known as the Tri-County Waste Tire Site in Exeter. This site has been identified as the third largest site in California. In July 1996, the Board approved \$25,000 for stabilization measures at the site. Stabilization measures identified were perimeter fencing, discing the property of weeds and brush, and determining if additional water would be needed on site in the event of a fire. Perimeter fencing has been repaired by the property owner. At this time no discing/mowing is necessary.

Staff are currently seeking property access for ten sites and will be remediating the Pete Navarro site this month. Depending on how successful we are in gaining access to sites, there could be over \$200,000 remaining in the existing contract with Sukut. This contract will end in June.

Staff proposes to expend any remaining funds in the Sukut contract to begin removing whole tires and/or shreds in an effort to create fire breaks in the enormous piles. Full remediation efforts could continue in future fiscal years as funding is available for remediation. The waste tire site is described in more detail in Attachment 1.

III. PREVIOUS COMMITTEE/BOARD ACTION

The Board is currently funding remediation of illegal waste tire sites with the \$800,000 contract (FY 1994/95) for the stabilization and abatement of illegal waste tire sites. In November 1996, the Board approved additional funding for the 1996/97 fiscal year contract for the stabilization and abatement of illegal waste tire sites. Staff is presently preparing the Request For Qualifications (RFQ) to encumber 1996/97 monies.

IV. REMEDIATION ACTIVITY

Seven sites have been remediated by the Waste Tire Stabilization and Abatement Program. Remediation of one site is in progress. Below is a summary of the remediation efforts:

| Name of Site | Tons Removed | Invoice | PTE* |
|--------------------|---------------|------------------------|---------|
| Harris Dismantling | 263.39 tons | \$ 33,068 | \$ 1.25 |
| Williams Street | 433.21 tons | \$ 48,647 | \$ 1.12 |
| Hale Street | 92.13 tons | \$ 14,970 | \$ 1.62 |
| Watts Street | 892.60 tons | \$113,885 | \$ 1.27 |
| Perris/Wildomar | 2,433.59 tons | \$198,404 | \$.79 |
| Sunset | 877.52 tons | \$ 67,030 | \$.76 |
| Pete Navarro | in progress | \$ 81,134 (work order) | |
| Total | 4,992.44 tons | \$557,138 | |

*Passenger tire equivalent (PTE)

Ten sites are pending property access for remediation at this time. Eleven sites have been remediated by the property owners or responsible parties. These sites were cleaned without the Board expending any contractual remediation funds.

Additionally, two other sites are pending stabilization (measures to prevent a fire from getting to the waste tire pile). Staff is pursuing property access on these sites.

V. OPTIONS FOR THE COMMITTEE/BOARD

Committee members may decide to:

1. Approve the site as recommended by staff.
2. Direct staff to provide additional information at a future Permitting and Enforcement Committee meeting.

VI. STAFF RECOMMENDATION

Staff recommends that the Board approve the site described in Attachment 1 for remediation under the Waste Tire Stabilization and Abatement Program.

VII. ANALYSIS

The staff review process for sites submitted for approval include the following actions:

1. Research of Board records to determine site ownership and possible responsible parties.
2. Conduct a site visit, take photographs, make a rough determination of the quantities of waste tires and prepare a preliminary cost estimate for recommended action.
3. Issue a Letter of Violation, a Clean Up and Abatement Order, and refer to Administrative Hearing where appropriate.

Site selection is based on many criteria, including the severity of the problems and surrounding land uses. The site proposed in this item was selected based on investigation of many sites throughout the state. This site represents a threat to public health and safety or the environment.

Stabilization is designed to reduce an unmanageable risk to public health and the environment to a manageable risk through breaking the tire pile into manageable units; developing fire fighting plans, including fire fighter access to areas in and around the site; providing for mosquito control; and providing security to prevent pile growth, deter arson, and provide early detection of any fires. If tires are to be removed from the site, the destination and any processing that will be necessary will be specified. If tires are to be relocated on the site, the new location, method of movement, and any processing that will be necessary will be included.

Abatement entails the elimination of a waste tire stockpile. The ultimate objective of the Board's waste tire program is total abatement of the sites that come under PRC Section 42846(a); however, depending on the funds available and the need for prompt action to prevent substantial pollution, nuisance, or injury to the public health or safety, some sites may be stabilized prior to abatement by utilizing remedial activities.

VIII. BACKGROUND

To address the issue of the growing accumulation of waste tires in landfills and stockpiles around the state and to promote the recycling of waste tires, Assembly Bill 1843 (Brown, Statutes of 1989) was signed into law in 1989. The passage of AB 1843 enacted, in part, a major environmental regulatory program to control the storage and disposal of waste tires. AB 1843, (later recodified by SB 937) required persons who store more than 500 waste tires at a specific location to register their stockpiles with the Board and required the Board to adopt emergency and final regulations for the permitting of waste tire facilities (WTF).

The Board adopted Emergency WTF Permitting Regulations followed by Final Regulations (Title 14, Division 7, Chapters 3 and 6, California Code of Regulations), which became effective on November 3, 1993. The purpose of the WTF Regulations is to implement technical standards for the storage of waste tires at WTFs and landfills that will conserve landfill capacity and promote the safe storage of waste tires and to establish a permitting system for WTFs.

Public Resources Code (PRC) Section 42845(a) states that any person who stores, stockpiles, or accumulates waste tires at a location for which a waste tire facility permit is required or in violation of a WTF permit, or the statute or regulations governing the permitting and storage of waste tires, shall, upon order of the Board, cleanup those waste tires or abate the effects thereof, or in the case of threatened pollution or nuisance, take other necessary remedial action.

PRC Section 42846(a) allows the Board to expend available money in the California Tire Recycling Management Fund. These moneys can be spent to perform any cleanup, abatement, or remedial work required under the circumstances set forth in section 42845 which in its judgment is required by the magnitude of endeavor or the need for prompt action to prevent substantial pollution, nuisance, or injury to the public health and safety.

IX. CEQA

Environmental Review Section staff find that this remediation project should be exempt from CEQA review under a CEQA Categorical Exemption, Class 8 (CCR Section 15308).

X. ATTACHMENTS

1. Tri-County Tire Shredders Waste Tire Site, Tulare County
(54-TI-0034)
2. Proposed Board Resolution 97 - 96

XI. APPROVALS

| | | |
|---------------|--|-----------------|
| Prepared By: | <u>Gale Rehberg</u> <i>Gale Rehberg</i> | Phone: 255-3895 |
| Reviewed By: | <u>Garth Adams</u> <i>Garth Adams</i> | Phone: 255-4063 |
| Reviewed By: | <u>Don Dier, Jr.</u> <i>DD 3/6/97</i> | Phone: 255-2453 |
| Reviewed by: | <u>Dorothy Rice</u> <i>D. Rice</i> | Phone: 255-2431 |
| Legal Review: | <u>Kathryn Tobias</u> <i>kjt 3/13/97</i> | |

Tri-County Tire Shredders Tulare County

Site Description and Background: Approximately 2,200,000 waste tires (whole and shreds) are stockpiled, uncovered, on this 9.8 acre property. Although this property is located in a rural-agricultural portion of Tulare County, there are about 20 single family residences within 1,000 feet of the site and four residences adjacent at the site's southern perimeter. The site is owned by Mr. Roman Silva and was operated by Mary Lou and William Sweet under the name of Tri-County Tire Shredders. In November 1992, Tri-County Tire Shredders filed for a Special Use Permit with the County of Tulare. The County Planning Commission approved the Special Use Permit on August 25, 1993 for the use of a waste tire recycling facility for collecting, sorting, shredding, and granulating of waste tires. The Special Use Permit was issued with various technical conditions which needed to be complied with within 90 days. On December 3, 1993, the County Planning Commission determined that Tri-County Tire Shredders failed to comply with the conditions of the Special Use Permit. The County immediately prohibited Tri-County Tire Shredders from accepting any additional waste tires until a followup compliance review was held in April 1994. On April 13, 1994, the County Planning Commission revoked the Special Use Permit for failure to comply with the conditions of the Special Use Permit.

In December 1994, Tri-County Tire Shredders filed Chapter 13 - Bankruptcy. Tri-County has not removed any of the tires from this site.

Location: 19048 Avenue 242, Exeter, California.

Site Priority: Illegal Waste Tire Site Priority 1

Owner: Roman Silva (Property Owner)
23157 Road 196
Lindsay, CA 93247

Operator: Mary Lou and William Sweet
(Transporter/Tire Owner)

Estimate of Remediation: \$2,000,000

Permits: Tri-County Tire Shredders was issued a Special Use Permit on August 25, 1993 by the County of Tulare. The County revoked the Special Use Permit on April 13, 1994. Tri-County Tire Shredders has never applied for a waste tire facility permit with CIWMB.

Enforcement Actions:

CIWMB Letter of Violation dated June 23, 1994 for violations of Division 30 of the Public Resources Code (30 PRC) and Title 14, California Code of Regulations (14 CCR): 30 PRC 42822, 30 PRC 42850, 14 CCR 17351, 14 CCR 17352, 14 CCR 17353, 14 CCR 17354, 14 CCR 18423. Both Mr. Sweet and Mr. Silva were requested to submit a compliance schedule and removal plan. In August 1994, Mr. Sweet filed a compliance schedule for the removal of the waste tires and informed the CIWMB that the business was relocating in Tulare County. In August 1995, CIWMB issued a Notice and Order. To date no tires have been removed from the site. In January 1995 CIWMB referred Tri-County tire Shredders to the Attorney General in response to the bankruptcy in pursuit of cost recovery. In addition, CIWMB has filed an administrative complaint in the amount of \$400,000. After the bankruptcy issue is resolved, the Attorney General will schedule a hearing with the Office of Administrative Hearings.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION # 97 - 96

APPROVAL OF ONE SITE FOR REMEDIATION UNDER THE WASTE TIRE
STABILIZATION AND ABATEMENT PROGRAM

WHEREAS, Public Resources Code (PRC) section 42846 authorizes the Board to expend money from the California Tire Recycling Management Fund to perform any cleanup, abatement, or remedial work required to prevent substantial pollution, nuisance, or injury to the public health or safety at waste tire sites where responsible parties failed to take appropriate action as ordered by the Board.

WHEREAS, the owner/operators of the following site have not complied with either the Letter of Violations or the Clean Up and Abatement Orders issued by the Board:

Tri-County Tire Shredders Waste Tire Site 54-TI-0034

NOW THEREFORE, BE IT RESOLVED, that the Board approves the above site for immediate funding for remediation under the Waste Tire Stabilization and Abatement Program. The Board directs staff to implement remediation measures and to encumber the funding for the cleanup of these sites and to consider cost recovery pursuant to Section 42847 Public Resources Code.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 46

ITEM: CONSIDERATION OF CERTIFICATION OF THE SHASTA COUNTY
DEPARTMENT OF RESOURCE MANAGEMENT DIVISION OF
ENVIRONMENTAL HEALTH AS THE LOCAL ENFORCEMENT AGENCY
FOR SHASTA AND TRINITY COUNTIES

I. SUMMARY:

The Shasta County Local Enforcement Agency (LEA) has applied to the California Integrated Waste Management Board (CIWMB) for full certification as the LEA for the contract LEA jurisdiction of Shasta and Trinity Counties. Trinity County has contracted for LEA services authorizing Shasta County LEA to assume the responsibilities of the Local Enforcement Agency in Trinity County for solid waste as allowed in law. The Shasta County Department of Resource Management, Environmental Health Division has been a certified LEA since July 1992 for Shasta County. Trinity County designated the Trinity County Department of Health and Human Services, Health Services Section to be the Enforcement Agency (EA) for Trinity County. At this time Trinity does not have an authorized LEA. The Trinity County EA has contracted with Shasta County LEA to provide LEA services in Trinity as required by law. Both agencies are requesting full Certification of the Shasta County LEA and approval of the contract jurisdiction.

II. PREVIOUS COMMITTEE (BOARD) ACTION:

At the time this item went to print, the March 19, 1997 Permitting and Enforcement Committee meeting had not taken place. The Permitting and Enforcement Committee and Board were apprised of the Trinity County LEA's staffing deficiencies in January 1996; and the Board directed staff to notify the Trinity LEA of the Board's intent to withdraw designation approval. In February 1996 Trinity County notified the Board of its intent to contract for LEA services with Shasta County. CIWMB staff responded with a March 15, 1996 letter to Trinity County which explained the CIWMB's actions at its February 27, 1996 meeting and related

CIWMB staff's intent to recommend rescision of the CIWMB's notice to withdraw its approval of the Trinity County LEA's designation.

On April 17, 1997 the Board voted to rescind the notification of the Trinity County LEA of the CIWMB's intent to withdraw its approval of the designation and to provide ongoing guidance to the Shasta County LEA for submittal of the new EPP reflecting the new contract jurisdiction.

III. OPTIONS FOR THE COMMITTEE (BOARD):

The Board has the following options:

1. Approve the EPP, contract, and issue the requested certifications..
2. Approve the EPP, contract and issue temporary LEA certifications.
3. Disapprove the EPP and/or not issue the requested certifications and appoint the Board as the enforcement agency for the Trinity County jurisdiction. This option would allow the Shasta County LEA to remain the LEA for Shasta County under the existing CIWMB resolution.
4. Take no action. This option provides for no certified and authorized enforcement agency in Trinity County. The Board would need to perform the enforcement agency duties in Trinity County.

IV. STAFF RECOMMENDATIONS:

Board staff recommends option number 1.

V. ANALYSIS:

Statute allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction. Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute.

The Board, after approval of the EPP, may issue certifications to the designated enforcement agency per Title 14 California Code of Regulations (14 CCR) Section 18071 for one or more of the following types of duties and responsibilities:

- "A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
- "B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities
- "C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities
- "D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

On February 26, 1996, representatives of Shasta and Trinity Counties signed an addendum to a personal services agreement that addressed solid waste LEA responsibilities. On March 6, 1996, the Shasta County LEA provided documentation that demonstrated their understanding of the requirements for forming a "contract jurisdiction" for LEA program responsibilities in Shasta and Trinity Counties. These two counties would form one jurisdiction and utilize the technical expertise from Shasta County.

The Shasta County LEA is currently fulfilling the requirements for technical staff adequacy and the LEA duties as defined in the existing EPP for Trinity County.

Board staff has reviewed the updated EPP from the Shasta and Trinity County Boards of Supervisors requesting approval for the Shasta County LEA (by contract) to be the local enforcement agency for Shasta and Trinity Counties.

The documentation provided meets the general requirements of PRC 43200 - 43219 and 14 CCR 18010 - 18084. Board staff find that the EPP, and the contract pursuant to 14 CCR 18072(b), are complete and acceptable for the Board to consider the approval of the EPP, issuance of the requested certifications, and approval of the contract jurisdiction of Shasta and Trinity Counties.

VI. ATTACHMENTS:

1. CIWMB resolution for approval the EPP, and issuance of certifications for the Shasta County Local Enforcement Agency for contract jurisdiction of Shasta County and Trinity County.

VII. APPROVALS:

Prepared By: Myron H. Amerine ^{MHA} Phone: 255-3848

Reviewed By: Mary T. Coyle/Thomas Unsell ^{mi SA for HTA 2/7/97} Phone: 255-3849

Approved By: Dorothy Rice ^{D. Rice} Phone: 255-2431

Legal Review: Kathryn J. Johnson Phone: 255 2825

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 97-84
March 26, 1997

CONSIDERATION OF CERTIFICATION OF THE SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT DIVISION OF ENVIRONMENTAL HEALTH AS THE LOCAL ENFORCEMENT AGENCY FOR SHASTA AND TRINITY COUNTIES

WHEREAS, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, the County of Shasta and the County of Trinity, pursuant to Title 14, California Code of Regulations, Section 18072, have joined to provide for solid waste issues via a contract naming the Shasta County LEA as the proposed Local Enforcement Agency for Shasta and Trinity Counties; and

WHEREAS, the Board has now received a completed contract defining the contract jurisdiction; and

WHEREAS, the California Integrated Waste Management Board has received on January 3, 1997 and reviewed the Enforcement Program Plan for the contract jurisdiction; and

WHEREAS, the Board finds that the Shasta County LEA has demonstrated, via the Enforcement Program Plan for the contract jurisdiction that it meets the requirements of Public Resources Code Section 43200, et seq, and Title 14 California Code of Regulations Section 18010 et seq;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, the California Integrated Waste Management Board pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1 approves the Enforcement Program Plan and designation and issues certification types "A", "C" & "D" to the Shasta County Department of Resource Management, Environmental Health Division as the Local Enforcement Agency for the contract jurisdiction consisting of Shasta and Trinity Counties.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 47

ITEM: Consideration of Designation Approval and Certification of the Santa Barbara County Environmental Health Services Division, Health Care Services Department as the Local Enforcement Agency for Santa Barbara County

I. SUMMARY

Staff are presenting this item to update the Santa Barbara LEA certification reflecting local organizational restructuring. The LEA continues to comply with certification requirements and its Enforcement Program Plan.

II. PREVIOUS COMMITTEE/BOARD ACTION

At the time this item went to print, the March 19, 1997 Permitting and Enforcement Committee meeting had not taken place. On July 16, 1992, the Santa Barbara County Environmental Health Services Department having met the requirements of PRC Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; had its designation and EPP approved, and was issued certification types "A", "B", "C", and "D" by California Integrated Waste Management Board Resolution No. 92-94. Subsequently, the county underwent a reorganization which resulted in the LEA (Environmental Health Services Division) becoming part of the Agriculture and Environmental Management Department. On October 27, 1994, the Board approved the LEA's reorganization through resolution 94-146. Once again the county has reorganized and staff are presenting the change.

III. OPTIONS FOR THE COMMITTEE (BOARD:

The following options are identified for consideration:

1. Concur with the issuance of a resolution reflecting the LEA re-organization.
2. Object to the issuance of a resolution reflecting the LEA re-organization specifying reasons for selecting this option and staff guidance.

3. Take no action. This option would result in an LEA which is not accurately reflected in its certification resolution.

IV. STAFF RECOMMENDATION:

The revised documents meet statutory and regulatory designation and certification requirements. Therefore, option 1 is recommended.

V. ANALYSIS:

In 1994, the Environmental Health Services Department was merged with several other county departments to form the new Agriculture and Environmental Management Department, Environmental Health Services Division. The LEA designation and certification update was accomplished via Board Resolution 94-146. At this time, similar Committee/Board action is required to reflect the latest county re-organization. The Santa Barbara County Environmental Health Services Division is now a division of the Santa Barbara County Health Care Services Department. The name of the LEA is "Environmental Health Services Division".

Board Staff received notification of the latest Santa Barbara County LEA re-organization in January of this year. The departmental re-organization and name change results in an inaccurate description of the LEA in several documents including the Notice of Designation and related designation resolutions. The LEA supplied locally revised documents which accurately reflect the LEA designation. These documents were reviewed and accepted by Board staff as meeting designation and certification requirements. The newly formed county department remains separate and distinct from solid waste facility and disposal site owners, operators, and county solid waste operation/administration department(s). The LEA staff organization remains intact.

Background

The Public Resources Code (PRC) allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction. Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute. The Santa Barbara County Local governing bodies exercised this option. On July 16, 1992, the Santa Barbara County Environmental Health Services Department

having met the requirements of PRC Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; had its designation and EPP approved, and was issued certification types "A", "B", "C", and "D" by California Integrated Waste Management Board Resolution No. 92-94 as follows:

- "A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
- "B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities
- "C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities
- "D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

VI. ATTACHMENTS:

1. CIWMB resolution reflecting the LEA departmental re-organization County of Santa Barbara.

VII. APPROVALS:

Prepared by: Gabe Aboushanab  Phone: 255-3854

Reviewed by: Mary Coyle/H. Thomas Unsell ^{MC SA for HTU 2/1/97} Phone: 255-2298

Approved by: Dorothy Rice  Phone: 255-2285

Legal Review:  Phone: 255 2825

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 97-87

March 26, 1997

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Santa Barbara County Health Care Services Department, Environmental Health Services Division as the Local Enforcement Agency for the County of Santa Barbara.

WHEREAS, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, the Santa Barbara County Environmental Services Department met the requirements of Public Resources Code Division 30 Part 4, Chapter 2, Article 1, and Title 14 California Code of Regulations Division 7, Chapter 5, Articles 1.0 - 2.2, and had its Enforcement Program Plan and designation approved, and was issued certification types "A", "B", "C" and "D" by California Integrated Waste Management Board Resolution No. 92-94 thus becoming the Local Enforcement Agency for Santa Barbara County and all its incorporated cities; and

WHEREAS, subsequent to local re-organization, the Board finds that the Santa Barbara County Health Care Services Department, Environmental Health Services Division continues to meet the requirements of Public Resources Code Division 30 Part 4, Chapter 2, Article 1 and Title 14 California Code of Regulations Division 7, Chapter 5, Articles 1.0 - 2.2;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, the California Integrated Waste Management Board pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1 approves the Enforcement Program Plan and designation and issues certification types "A", "B", "C" and "D" to the Santa Barbara County Health Care Services Department, Environmental Health Services Division as the Local Enforcement Agency for Santa Barbara County and all its incorporated cities.

CERTIFICATION
(Resolution 97-87)

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 4B

ITEM: Consideration to Revise the Designation Approval and Certification of the Inyo County Department of Environmental Health Services as the Local Enforcement Agency for Inyo County to a Probationary Status

I. SUMMARY

This item is presented as a result of the nine month monitoring of the Inyo County Local Enforcement Agency's (LEA) evaluation workplan. Several workplan tasks remain outstanding. Therefore, pursuant to the LEA Evaluation Procedure, an Administrative Conference was held on January 17, 1997. The conference provided the LEA, the Permitting and Enforcement Division Deputy Director, and Board staff a forum to discuss and assess LEA workplan compliance issues.

Inyo County's approved jurisdictional compliance proposal for meeting permitting requirements and state minimum standards at its solid waste facilities (where outstanding, see background under "V") spans five years. The facts that: 1) proposal compliance has faltered barely one year into the plan implementation; and 2) the LEA has not effectively enforced compliance, compel staff to bring this item before the Board. This item outlines the jurisdictional compliance status, possible Board options, and staff recommendations.

II. PREVIOUS COMMITTEE/BOARD ACTION

At the time this item went to print, the March 19, 1997 Permitting and Enforcement Committee meeting had not taken place. There is no previous Committee or Board action specific to the Inyo County LEA evaluation or subsequent evaluation workplan. However, at the April, 1994 Committee and Board meetings, the Committee and Board accepted with no re-direction the "LEA Evaluation Procedure Implementation Manual", and its implementation was initiated. The Manual establishes the process for evaluations and identifies that if LEA program issues are found, LEAs shall prepare corrective action workplans and/or attend an administrative conference. It also establishes the possibility that a Committee and Board agenda item may be prepared to consider options available to the Board. All of the evaluation procedure options are as authorized by the Public Resources Code or Title 14 regulations adopted thereof.

III. OPTIONS FOR THE COMMITTEE (BOARD):

Pursuant to PRC Sections 43214, 43215, 43216.5, and the LEA evaluation procedure, the Board has the following options:

Option 1- If the lack of LEA performance has contributed to significant non-compliance with state minimum standards at solid waste facilities, the Board shall withdraw its approval of designation (43214(c)).

Option 2- If the Board finds that conditions at solid waste facilities threaten public health and safety or the environment, the Board shall, within 10 days of notifying the LEA, become the enforcement agency until another local agency is designated and certified (43214(c)).

The findings to support options 1 and 2 have not been made.

Option 3- If the Board finds the LEA is not fulfilling its responsibilities, it shall notify the LEA of the particular reasons and of the Board's intention to withdraw its approval of the designation if, within no less than 30 days, the LEA does not take the corrective action specified by the Board (43215).

The above option was in essence exercised during the evaluation process. The LEA provided an evaluation workplan as required.

Option 4- The Board may take any actions it determines to be necessary to ensure LEAs fulfill their obligations (43216.5)

The above option is appropriate for consideration.

Option 5- The Board may conduct more frequent inspections and evaluations (43216.5)

The above option has already identified the issues during the LEA evaluation. More frequent inspections would only confirm those issues already identified.

Option 6- The Board may establish a schedule and probationary period for improved LEA performance (43216.5)

The above option is appropriate for consideration.

Option 7- The Board may assume partial responsibility for specified LEA duties (43216.5).

While appropriate for consideration, the above option would essentially revise the LEA certification to a "partial status". This would result in the Board's EA Section staff assuming resolution of outstanding issues for enforcement. The related costs would be billed to the jurisdiction.

Option 8- The Board may implement any other measures which it determines to be necessary to improve LEA compliance (43216.5)

The above option is appropriate for consideration.

For options (4) and (8) the Board can:

- 1) mandate specific LEA actions for outstanding issues.
- 2) mandate specific LEA actions which if not met result in a specific Board action(s).
- 3) Fully decertify the LEA and withdraw its designation approval. This option would result in the Board's EA Section staff assuming LEA duties for Inyo County. The related costs would be billed to the jurisdiction.
- 4) Recommend withholding the Enforcement Assistance Grant disbursement until the Jurisdictional Compliance Proposal (JCP) is on track. Disbursement of the grant monies could become quarterly instead of at once, while linked to acceptable JCP progress.
- 5) For any landfills which are on the State list of non-complying facilities or the State list of facilities having significant change, the Board may direct the LEA to revoke/suspend the permit(s) until regulatory requirements are met.

IV. STAFF RECOMMENDATION:

Having considered all the options available to the Board and the analysis below, staff recommend a combination of options six (6) and seven (7). This combination would include: 1) revising the LEA's designation approval and certification to a probationary status for the duration of this evaluation cycle which was initiated in May, 1995 and ends in May, 1998; and 2) placing the LEA on notice that failure to exercise the enforcement options identified in its enforcement orders, or any other effective measures, issued pursuant to the LEA evaluation workplan will

result in CIWMB assumption of the agency's enforcement duties to assure appropriate enforcement actions are taken within Inyo County as determined by the CIWMB.

V. ANALYSIS:

Essentially, the LEA has not exercised the enforcement options identified in its enforcement orders, or any other effective measures, when the county operator failed to meet several tasks stipulated in the jurisdictional compliance proposal. Attachment (1) provides tables containing compliance tasks, their schedule, status, and re-establishes due dates (within the existing plan timeframe) for outstanding tasks. Additionally, the LEA is updating appropriate enforcement orders to reflect the re-established schedules.

Findings

PRC Sections 43215, 43216, 43216.5, 43219, and 43220 outline Board actions when an LEA is not fulfilling its responsibilities.

This staff finding has been made through: 1) the Inyo County LEA Evaluation, and 2) the evaluation workplan monitoring.

Staff carefully considered the options in section III above in conjunction with the current LEA performance issues, and the following Board goals and policies:

- Strong local government involvement in solid waste management is desirable for California.
- Direct state enforcement and regulation of solid waste management is not desirable, except where there is no LEA or where there is significant poor LEA performance.
- Enforcement agencies, to be effective, must have adequate autonomy from local politics.
- Conflicts of interest between solid waste regulatory responsibilities and the operation of solid waste handling and disposal facilities is unacceptable.
- A comprehensive LEA program is desirable within a local government jurisdiction. The program must include inspection, enforcement, and permitting as appropriate for active, closed, illegal, abandoned, exempt, and planned facilities.
- LEA staff should have the education and technical expertise to make engineering, public health, environmental health, and financial decisions.
- Local agencies designated to be approved and certified by the Board must have adequate training, equipment, personnel, technical expertise, legal assistance, and budget to be

- effective.
- LEAs must be accountable for their performance. The Board assures this through its LEA program.

Therefore considering: 1) the above Board goals and policies; 2) the LEA's positive cooperation; and 3) due process; staff recommend providing the local governing body a final opportunity to support the Board in achieving the above goals. This would be through the Board's: 1) revising the LEA's designation approval and certification to a probationary status for the duration of this evaluation cycle which was initiated in May, 1995 and ends in May, 1998; and 2) placing the LEA on notice that failure to exercise the enforcement options identified in its enforcement orders, or any other effective measures, issued pursuant to the LEA evaluation workplan will result in CIWMB assumption of the agency's enforcement duties to assure appropriate enforcement actions are taken within Inyo County as determined by the CIWMB.

Background

Historically, CIWMB inspections of Inyo County's solid waste facilities have consistently revealed instances of ongoing violations of state minimum standards, permit terms and conditions, and several unpermitted facilities. For years, Enforcement Branch inspection reports and related correspondence to the LEA have advised, suggested, or required some form of LEA enforcement action. Currently, all county landfills are on the State list of non-complying facilities (the inventory).

Subsequent to meeting certification requirements (including technical expertise and budget resources) and being certified by the CIWMB in July, 1992, the LEA became poised to effect positive changes in the jurisdictional compliance status. Furthermore, since 1992, the CIWMB has conducted numerous training seminars focused on inspections, enforcement, permitting, closure, and CEQA compliance. Most of the training was attended by Inyo County LEA staff. The level of staff knowledge and expertise within this LEA is impressive and therefore inconsistent with the achieved results.

In 1994, a staff review of statewide enforcement orders revealed a number of Inyo County LEA enforcement orders had lapsed or were extended repeatedly without facility compliance. The CIWMB, recognizing the seriousness of Inyo's jurisdictional compliance status, contacted the LEA in June of 1994 and made it aware of issues jeopardizing its certification. The LEA was directed to review the status of its existing enforcement orders implementing any penalties for non-compliance as identified. The LEA responded by requesting the P&E Division Deputy Director and LEA Branch Manager attend an LEA sponsored workshop for the local governing body (Board of Supervisors).

In July, 1994 the LEA Branch Manager and LEA Section Supervisor traveled to Inyo County and participated in the workshop. The workshop outlined the jurisdictional compliance status, explained the CIWMB position on compliance, and outlined the costs associated with the CIWMB becoming the enforcement agency. During the discussion, all jurisdictional solid waste issues were placed on the table. The Local Governing Body committed to having a workable and effective LEA with financial resources available to accomplish the job. Facilities, their project priorities, and an accomplishment matrix were discussed. The extent of financial commitment necessary for compliance, after so many years, was difficult if not impossible for the jurisdiction to meet short term. Therefore, attending Board staff conditionally agreed to consider reviewing a schedule addressing CIWMB, Regional Water Quality Control Board, and Inyo County compliance issues.

The LEA picked up where the workshop left off with an innovative approach to jurisdictional compliance. The agency held several meetings intended to resolve local site compliance issues. These meetings involved the county operator, the RWQCB, the CIWMB, and the local governing body. As a result, the operator's consultant (Vector Engineering, Inc.) submitted an initial compliance proposal in September of 1994. Several revisions followed extensive reviews and comments by all the participants. The "Five Year Integrated Waste Management Implementation and Compliance Schedule for The County of Inyo, California" was finalized in September of 1995, a year later. It was also brought before the Inyo County Board of Supervisors for final approval and commitment as it entailed financial elements in order to be accomplished.

The five year schedule became known as the jurisdictional compliance proposal (JCP). It outlines tasks and budget allocations for a period of five years beginning with the 1995/96 fiscal year. It addresses permit and closure issues for the Bishop-Sunland, Independence, Lone Pine, Shoshone, Tecopa, Sawmill, and Keeler solid waste facilities. The jurisdictional compliance proposal was integrated into the LEA Evaluation Workplan and approved by the CIWMB for implementation on November 8, 1995.

VI. ATTACHMENTS:

1. Evaluation workplan tables reflecting accomplished tasks and re-establishing due dates for outstanding tasks which must be met to avoid further Board action on LEA performance issues.
2. A CIWMB Resolution 97-86.

VII. APPROVALS:

Prepared by: Gabe Aboushanab  Phone: 255-3854

Reviewed by: Mary Coyle/H. Thomas Unsell ^{SA for HTM} Phone: 255-2298

Approved by: Dorothy Rice ^{D. Rice 3/11/97} Phone: 255-2285

Legal Review: Matthew J. Johnson Phone: 255 2825

Bishop Sunland Solid Waste Site (amended 2/97)

| 14-AA-0005 | Compliance accomplished by: | Completed by December 31, 1995 (3 month) | Completed by March 31, 1996 (6 month) | Completed by June 30, 1996 (9 month) | Completed beyond the 9 months |
|-------------------------------|-----------------------------|--|---------------------------------------|--------------------------------------|---------------------------------------|
| PSR | Notice and Order 95-01 | August 30, 1995 Completed | | | |
| RDSI | Notice and Order 95-01 | August 30, 1995 Completed | | | |
| Security | Notice and Order 95-01 | December 29, 1995 In and Out | | | |
| Daily cover | Notice and Order 95-01 | December 29, 1995 In and Out | | | |
| Hazardous Waste Screening | Notice and Order 95-01 | December 29, 1995 Completed | | | |
| Explosive Gas Monitoring Plan | Notice and Order 95-01 | December 29, 1995 Completed | | | |
| Implement gas monitoring plan | Notice and Order 95-01 | | | | July 31, 1996 completed 8/96 |
| Closure Plans | Notice and Order 95-01 | | February 1, 1996 Completed | | |
| Financial assurance | Notice and Order 95-01 | | January 31, 1995 | | |
| CEQA | Notice and Order 95-01 | | | | July 1, 1996 completed 12/96 |
| SWFP revision application | Notice and Order 95-01 | | | | August 15, 1996 completed 1/10/97 |
| Operating liability | Notice and Order 95-01 | | | | August 15, 1996 Completed |
| Proposed Revised SWFP | LEA | | | | October 15, 1996 Change to 5/30/97 |

Lone Pine Landfill (amended 2/97)

| 14-AA-0003 | Compliance accomplished by: | Completed by December 31, 1995 (3 month) | Completed by March 31, 1996 (6 month) | Completed by June 30, 1996 (9 month) | Completed beyond the 9 months |
|--------------------------------|-----------------------------|--|---------------------------------------|--------------------------------------|---------------------------------------|
| RDSI | Notice and Order 95-01 | | March 1, 1996 Completed | | |
| Security | Notice and Order 95-01 | | | | July 31, 1996 Change to 5/6/97 |
| Daily cover | Notice and Order 95-01 | | | June 28, 1996 Change to 6/1/97 | |
| Hazardous Waste Screening | Notice and Order 95-01 | December 29, 1995 Completed | | | |
| Explosive Gas Monitoring Plan | Notice and Order 95-01 | December 29, 1995 Completed | | | |
| Implement gas monitoring plan | Notice and Order 95-01 | | | | July 31, 1996 completed 8/96 |
| Closure Plans | Notice and Order 95-01 | July 31, 1995 Completed | | | |
| Financial assurance | Notice and Order 95-01 | | January 31, 1995 | | |
| CEQA Submitted for circulation | Notice and Order 95-01 | | | | July 1, 1996 Change to 7/3/97 |
| SWFP revision application | Notice and Order 95-01 | | | | August 15, 1996 completed 1/10/97 |
| Operating liability | Notice and Order 95-01 | | | | August 15, 1996 Completed |
| Litter Control | Notice and Order 95-02 | | | | August 1, 1996 Change to 6/1/97 |
| Site Attendant | Notice and Order 95-02 | | | | July 31, 1996 Change to 6/1/97 |
| Proposed Revised SWFP | LEA | | | | October 15, 1996 Change to 7/30/97 |

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 97-86

March 26, 1997

Resolution revising the designation approval and certification of the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo County to a probationary status, and conditionally approving CIWMB assumption of LEA enforcement responsibilities.

WHEREAS, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, the Inyo County Board of Supervisors and the majority of the City Councils with the majority of the incorporated population of the designated jurisdiction have designated the above local agency and requested Board approval of their designation; and

WHEREAS, based on the foregoing considerations and Resolution 92-64, the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, previously approved the Enforcement Program Plan and designation and issued certification types "A", "B", "C" and "D" to the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo County and all its incorporated cities; and

WHEREAS, the LEA evaluation results found the Inyo County Division of Environmental Health Services not to be fulfilling all its responsibilities and required the development, approval, and implementation of an evaluation workplan addressing the LEA's program implementation issues; and

WHEREAS, the evaluation workplan monitoring results reveal incomplete fulfillment of the workplan stipulations committed to by the Inyo County Division of Environmental Health Services;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, Section 43216.5 hereby revises the designation approval and certification of the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo County to a probationary status for the duration of this evaluation cycle which was initiated in May, 1995 and ends in May, 1998;

NOW, THEREFORE, BE IT FURTHER RESOLVED, based on the foregoing considerations, the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, Section 43216.5, hereby places the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo County on notice that failure to exercise the enforcement options identified in its enforcement orders, or any other effective measures, issued pursuant to the LEA evaluation workplan will result in CIWMB assumption of the agency's enforcement duties to assure appropriate enforcement actions are taken within Inyo County as determined by the CIWMB.

CERTIFICATION
Resolution # 97-86

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 26, 1997.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
March 26, 1997

AGENDA ITEM 49

ITEM: CONSIDERATION OF AN UPDATE TO THE SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS

I. COMMITTEE ACTION

This item was prepared prior to the March Permitting and Enforcement Committee meeting. Staff will provide an update on the Committee's action at the Board meeting.

II. SUMMARY

This agenda item presents proposed updates to the Schedule for Placement of Operations/Facilities into Regulatory Tiers and Development of Minimum Standards (Schedule).

As staff complete the regulatory packages associated with the classes or types of operations/facilities on the Schedule, it is necessary to update the Schedule. Priorities also change necessitating movement of classes of operations/facilities sooner or later in the Schedule. We also experience variances in staff resources requiring modification of previously scheduled timelines.

Staff will continue to bring updates of the Schedule to the Permitting and Enforcement Committee and the Board annually for approval.

III. BACKGROUND

On March 29, 1995, the Board approved the General Methodology for the placement of solid waste facilities and operations into the regulatory tier structure. The General Methodology is a five step process that uses environmental indicators to evaluate the potential impacts that an operation/facility may pose to public health, safety, and the environment.

After the Board determines that it has authority to regulate a particular class or type of operation/facility, the first step is to define the class or type of operation/facility based on critical factors (e.g., the nature of the material handled, the handling methods used, the quantity of material, and locational considerations). The second step is to identify environmental indicators (e.g., gas, noise, airborne particles, general safety) whose thresholds would be exceeded by the operation/facility and determine if the CIWMB is the appropriate regulator. The third step is to identify types of mitigation activities for each environmental indicator identified. The fourth step is to determine the level of CIWMB review and oversight needed to achieve

those mitigation measures and to match that level of review and oversight to the appropriate regulatory tier. Finally, the fifth step is to develop State Minimum Standards that define the classes or types of operations/facilities and the mitigation activities necessary to ensure safe operation of those operations/facilities.

IV. PREVIOUS COMMITTEE/BOARD ACTION

The CIWMB approved the first Schedule in January 1995 and an update to the Schedule in January 1996. The Permitting and Enforcement Committee postponed action on a revised Schedule in January 1997 to allow time for staff to assess what impact, if any, the California Department of Food and Agriculture's (CDFA) interest in regulating the land application of ash would have on the Schedule. CDFA's interest could have a profound effect on the CIWMB's Biosolids regulatory package, which was tentatively scheduled to begin in May 1997.

Two other classes or types of operations/facilities tentatively scheduled to begin shortly are Organics (green material not composted; woody material not composted) and Construction/Demolition/Inerts. These classes comprise a significant percentage of the total wastestream. Regulation of these classes could have a profound effect on waste diversion. Members of the Permitting and Enforcement Committee also expressed interest in considering priority for these classes, if it would not compromise public health and safety.

The Permitting and Enforcement Committee directed staff to bring the Schedule back to the Committee for consideration in March 1997.

V. ANALYSIS

The attached Schedule is essentially unchanged from January 1997. Staff received no strong sentiment persuading us to make a change. Feedback from the January series of LEA Roundtables gave some support for keeping Biosolids where it is. The CDFA is moving forward with their review of non-hazardous ash land application. This review may also impact other waste/material types, including biosolids. However, it is very likely that the CIWMB will have other, public health related issues to address that the CDFA cannot address. These issues will become apparent when biosolids are taken through the General Methodology.

VI. OPTIONS

1. Approve the attached Schedule;
2. Modify the attached Schedule; or
3. Request additional information to further evaluate Schedule.

VII. RECOMMENDATIONS

400 Staff recommend the Committee approve the attached Schedule and recommend its approval by the CIWMB.

VIII. ATTACHMENT

1. Schedule for Placement of Operations/Facilities into Regulatory Tiers and Development of Minimum Standards (March 1997)

IX. APPROVALS

Prepared By: RFH. 3/7/97 Robert Holmes Phone: 255-3856
Reviewed By: H. Thomas Unsell H. Thomas Unsell Phone: 255-2298
Reviewed By: Dorothy Rice P. Rice Dorothy Rice Phone: 255-2431
Legal Review: Kathryn J. Tobian Date/Time: 3/13/97

SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS (MARCH 1997) DRAFT

| Operation/Facility | Task | Start Date* |
|---|--|-----------------------------|
| MRFs and Transfer Stations that Handle Mixed Solid Waste, and Recyclers | CIWMB staff apply General Methodology and use the previous LEA and interested parties suggestions to initially slot operations and facilities into the regulatory tier structure. Staff conduct site visits and have preliminary discussions with industry and LEAs. Staff develop draft informal regulations for MRFs and TSs that accept municipal solid waste (includes slotting and state minimum standards), and Recyclers (in/out regulations) | October 1996 - January 1997 |
| | Route draft regulations to workgroup (CIWMB staff and LEAs) regarding application of the general methodology and the appropriate slotting and state minimum standards for the MRFs and Transfer Stations that handle municipal solid waste, and the in/out regulations for Recyclers. | February 1997 |
| | Staff revise draft regulations where appropriate to reflect the workgroup comments. | March 1997 |
| | Route draft regulations to LEAs and interested parties. | April/May 1997 |
| | Informal workshops with LEAs and interested parties to discuss the draft regulations proposed by CIWMB staff | June/July 1997 |
| | Staff revise draft regulations where appropriate to reflect public comment. | August 1997 |
| | Staff work with legal office regarding environment indicators associated with the proposed regulations and to identify any authority issues using input from prior steps | September 1997 |
| | Agenda item to P&E Committee to update the Committee on the progress of draft regulations for the MRFs, TS, and Recyclers and obtain further direction from the Committee. | October 1997 |
| | Staff revise draft regulations based on the P&E Committee direction. | November 1997 |
| | Consideration item to P&E Committee for approval to begin formal rulemaking process | December 1997 |
| | Begin formal Office of Administrative Law process - (Rulemaking file: Public Notice, ISORs, and Fiscal Impact Statement) | February 1998 |
| | Begin CEQA analysis | February 1998 |
| | Respond to comments | March/April 1998 |
| | Formal public hearing held after 45- day comment period | May 1998 |
| | Consideration by P&E Committee of final proposed regulations | May 1998 |
| | Begin 15-day public comment period (if needed) | May 1998 |
| | Respond to comments (if needed) | May/June 1998 |
| | Consideration by P&E Committee and CIWMB of final proposed regulations and CEQA document | June 1998 |
| | Complete the rulemaking file | July 1998 |
| | Legal review/approval | August 1998 |
| | Fiscal and economic impact statement reviewed and approved by Department of Finance and Cal/EPA | September 1998 |

* Dates are approximate and subject to change.

SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS (MARCH 1997)

DRAFT

| | | |
|--|--|----------------|
| | Regulations submitted to OAL for approval | October 1998 |
| Biosolids | Informal workshops regarding CIWMB authority, application of the General Methodology and the appropriate slotting | May 1997 |
| | Site visits and preliminary discussions with industry, other regulators, environmental groups, etc. | June 1997 |
| | CIWMB staff work with Legal Office to identify CIWMB authority and environmental indicators associated with the proposed operations/facilities using input from prior steps | July 1997 |
| | Agenda item to P&E Committee and CIWMB to determine authority | August 1997 |
| | CIWMB staff apply General Methodology and initially slot operations/facilities and develop draft informal regulations (including slotting regulations and State Minimum Standards) | September 1997 |
| | Route draft regulations for in-house and outhouse review | October 1997 |
| | Informal workshops with LEAs, the regulated community, and interested parties to discuss the draft regulations | Nov./Dec. 1997 |
| | Staff revise draft regulations where appropriate to reflect public comment | January 1998 |
| | Consideration item to P&E Committee for approval to begin formal rulemaking process | March 1998 |
| | Begin formal Office of Administrative Law process - (Rulemaking File: Public Notice, ISORs, Fiscal Impact Statement) | June 1998 |
| | Begin CEQA analysis | June 1998 |
| | Formal public hearing held after 45-day comment period | August 1998 |
| | Respond to comments | Aug./Sep. 1998 |
| | Consideration by P&E Committee of final proposed regulations | October 1998 |
| | Begin 15-day public comment period (if needed) | October 1998 |
| | Consideration by P&E Committee and CIWMB of final proposed regulations and CEQA document | November 1998 |
| | Finish rulemaking file | December 1998 |
| | Legal review/approval | January 1999 |
| | Regulations reviewed and approved by Department of Finance | January 1999 |
| | Regulations submitted to OAL for approval | February 1999 |
| Organics (green material-not composted; woody material-not composted) | Informal workshops regarding CIWMB authority, application of the General Methodology and the appropriate slotting | July 1997 |
| | Site visits and preliminary discussions with industry, other regulators, environmental groups, etc. | August 1997 |

* Dates are approximate and subject to change.

SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS (MARCH 1997) DRAFT

| | | |
|------------------------------------|--|----------------|
| | CIWMB staff work with Legal Office to identify CIWMB authority and environmental indicators associated with the proposed operations/facilities using input from prior steps | September 1997 |
| | Agenda item to P&E Committee and CIWMB to determine authority | October 1997 |
| | CIWMB staff apply General Methodology and initially slot operations/facilities and develop draft informal regulations (including slotting regulations and State Minimum Standards) | November 1997 |
| | Route draft regulations for in-house and outhouse review | December 1997 |
| | Informal workshops with LEAs, the regulated community, and interested parties to discuss the draft regulations | January 1998 |
| | Staff revise draft regulations where appropriate to reflect public comment | February 1998 |
| | Consideration item to P&E Committee for approval to begin formal rulemaking process | April 1998 |
| | Begin formal Office of Administrative Law process - (Rulemaking File: Public Notice, ISORs, Fiscal Impact Statement) | May 1998 |
| | Begin CEQA analysis | May 1998 |
| | Respond to comments | May 1998 |
| | Formal public hearing held after 45-day comment period | July 1998 |
| | Consideration by P&E Committee of final proposed regulations | July 1998 |
| | Begin 15-day public comment period (if needed) | July 1998 |
| | Consideration by P&E Committee and CIWMB of final proposed regulations and CEQA document | August 1998 |
| | Finish rulemaking file | September 1998 |
| | Legal review/approval | October 1998 |
| | Regulations reviewed and approved by Department of Finance | November 1998 |
| | Regulations submitted to OAL for approval | December 1998 |
| Construction/Demolition/ Inerts | Informal workshops regarding CIWMB authority, application of the General Methodology and the appropriate slotting | October 1997 |
| | Site visits and preliminary discussions with industry, other regulators, environmental groups, etc. | November 1997 |
| | CIWMB staff work with Legal Office to identify CIWMB authority and environmental indicators associated with the proposed operations/facilities using input from prior steps | December 1997 |
| | Agenda item to P&E Committee and CIWMB to determine authority | January 1998 |
| | CIWMB staff apply General Methodology and initially slot operations/facilities and develop draft informal regulations (including slotting regulations and State Minimum Standards) | February 1998 |
| | Route draft regulations for in-house and outhouse review | March 1998 |

* Dates are approximate and subject to change.

SCHEDULE FOR PLACEMENT OF OPERATIONS/FACILITIES INTO REGULATORY TIERS AND DEVELOPMENT OF MINIMUM STANDARDS (MARCH 1997)

DRAFT

465

| | | |
|---|--|----------------|
| | Informal workshops with LEAs, the regulated community, and interested parties to discuss the draft regulations | March 1998 |
| | Staff revise draft regulations where appropriate to reflect public comment | April 1998 |
| | Consideration item to P&E Committee for approval to begin formal rulemaking process | May 1998 |
| | Begin formal Office of Administrative Law process - (Rulemaking File: Public Notice, ISORs, Fiscal Impact Statement) | June 1998 |
| | Begin CEQA analysis | June 1998 |
| | Respond to comments | June 1998 |
| | Formal public hearing held after 45-day comment period | August 1998 |
| | Consideration by P&E Committee of final proposed regulations | August 1998 |
| | Begin 15-day public comment period (if needed) | August 1998 |
| | Consideration by P&E Committee and CIWMB of final proposed regulations and CEQA document | September 1998 |
| | Finish rulemaking file | October 1998 |
| | Legal review/approval | November 1998 |
| | Regulations reviewed and approved by Department of Finance | December 1998 |
| | Regulations submitted to OAL for approval | January 1999 |
| Landfills (including monofills) | | January 1998 |
| Liquids (car wash grits, manufacturing effluent, other non-haz. liquids) | | April 1998 |
| Other Sludges (grease trap pumpings, non-haz. tank bottoms) | | July 1998 |
| Muds (geothermal, dredgings, drilling mud sumps) | | October 1998 |
| | | January 1999 |
| | | |
| | | |

* Dates are approximate and subject to change.